Labour Legislation Review Committee

Final Report

February 1987

Alberta

87-02069/

TABLE OF CONTENTS

	PAGE
LETTER FROM THE CHAIRMAN	i
LETTER FROM THE COMMITTEE	ii
INTRODUCTION	iii
ECONOMIC BACKGROUND	1
A HISTORY OF LABOUR LEGISLATION IN ALBERTA	10
LABOUR LEGISLATION REVIEW COMMITTEE	65
ANALYSIS OF RESPONSES TO INTERIM REPORT	68
GENERAL INPUT FROM ALBERTANS	84
CONCLUSIONS AND RECOMMENDATIONS	88

APPENDICES

A. LIST OF INDIVIDUALS AND GROUPS THE LABOUR LEGISLATION REVIEW COMMITTEE MET WITH INTERNATIONALLY

B. INTERIM REPORT

CORRECTION

Please note: Recommendation No. 42 on page 102 of this report should read as follows:

42. That the Minister of Labour advise the parties in the construction industry that unless they mutually develop a bargaining structure by May 1, 1987, a structure will be established. Further, that the bargaining structure should be Province wide and should contain a majority rule principle.

Alberta
LABOUR

Office of the Minister

420 Legislature Building, Edmonton, Alberta, Canada T5K 2B6 403/427-3664

The Government of Alberta in the Throne Speech of June 12, 1986, made a commitment to a full review of labour legislation to assure that for the present and the future the laws will be responsive to the needs of all Albertans.

The review has been completed with the publication of this final report of the Labour Legislation Review Committee. The process has been both thorough and fruitful resulting in a report which clearly indicates the Committee's advice to the Government in its conclusions and recommendations.

Personally, I wish to express my thanks to the nine members of the Committee for their efforts. Having been with them throughout the process I know the intensity and commitment they have shown in their work. All Albertans are in their debt.

I also thank the many people across our Province who worked on preparation of the three hundred presentations which were invaluable to the Committee's deliberations.

My department staff have unsparingly given of their time to assist the Committee and their efforts should be recognized.

In conclusion, on behalf of all of us, I express our gratitude to the many people in other jurisdictions who openly discussed the operation of their systems and who gave us such excellent advice.

Yours truly,

Ian C. Reid
Minister of Labour

Alberta
LABOUR

Office of the Minister

420 Legislature Building, Edmonton, Alberta, Canada T5K 2B6 403/427-3664

The Committee expresses its appreciation to all those who made presentations at the public meetings held throughout the Province. A substantial number of written submissions were also received and reviewed. This input, together with information gained from other jurisdictions, was an important part of the review process and has had a significant impact on the recommendations.

The Committee emphasizes that the attitudes of, and relationships between employees and employers are as important as the legislation with which the parties work. Each recommendation is made with these essential facts in mind.

The Committee's recommendations attempt to provide a legislative framework that is fair and reasonable for all Albertans and are intended to serve the long term needs of the Province rather than effect short term solutions. The recommendations should be considered as a complete entity and not as a number of discrete items.

Joe Berlando
Alberta Teachers' Association

Budd Coutts
International Union of Operating Engineers

Wallace Daley
Rancher

Michael Day
City of Red Deer

Sheila Embury
Retired M.L.A.

Ric Forest
Forest Construction

Larry Kelly
International Brotherhood of Electrical Workers

Bernice Luce
Farmer

Murray Ross
Celanese Canada Inc.

INTRODUCTION

Alberta has a good history of stable labour relations by North American standards. The recommendations in this report incorporate concepts that will improve considerably the employee-employer relationship and thereby make our system comparable to the best in the world.

Labour legislation is one of three key elements in the industrial relations equation. Two other elements, the attitude of the participants and the economic realities within which an enterprise operates, play equally important roles in the actual employee-employer relationship. Labour legislation is designed to provide a minimum set of rules for both employees and employers for use in their day-to-day relationships.

Attitudes are developed over many years and are influenced by many factors. Legislation may not immediately change attitudes and thereby relationships, but it can provide direction and hasten improvements. Mutual respect and a sense of commonality of interest are a direct result of the attitudes of the participants. When attitudes are positive and constructive, commonality of interest develops with the result that employees and employers increase their mutual trust. When suspicion, disrespect and distrust grow the participants themselves suffer the consequences. It is clearly understood and acknowledged by everyone that acrimonious labour relations pay no dividends and that all involved lose in the long run.

This report has been divided into a number of sections. Each section provides information that the Committee believes is important in understanding why certain recommendations have been made.

In this unanimous report the Committee presents fifty seven recommendations. It is stressed that, as a package, all the recommendations will impact on our industrial relations environment, but they form a unit and may not necessarily be able to meet our objectives if separated. From our observations and discussions with practitioners in other countries, together with the input received from Albertans, we have developed these recommendations confident that a strong labour relations environment will evolve in our province.

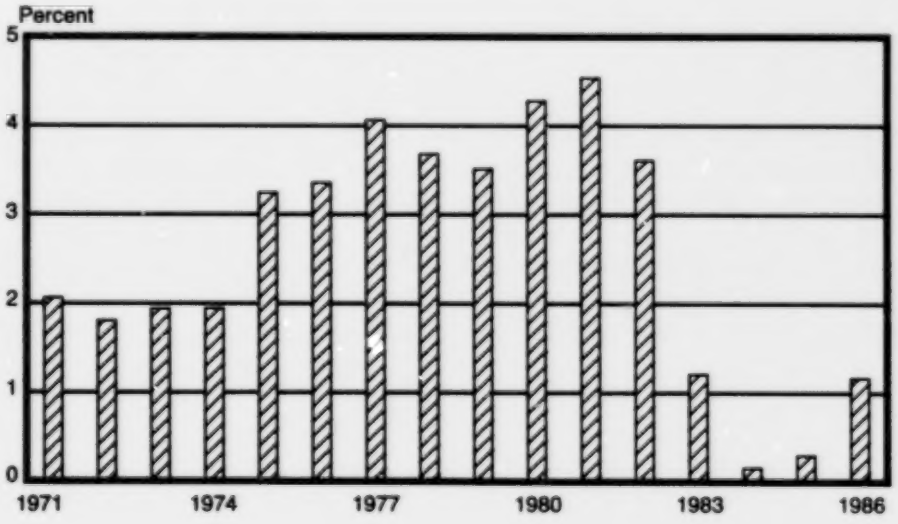
ECONOMIC BACKGROUND

Introduction:

The two base resource industries of agriculture and energy extraction are the foundation of Alberta's economy. The products of these industries, processed to varying degrees within the province, are international commodities and our ability to export is based on competitive prices beyond our control. These factors apply to the forestry and manufacturing sectors also. Since we function in this international market economy, we must use our assets of secure supply, a highly trained and skilled workforce, and productivity, to retain and expand our economic activity for the benefit of all Albertans.

By a variety of indicators, the Alberta economy evidenced strong and continuous growth from 1970 to 1981. From 1981 to 1984 the economy declined, recovering to some extent in 1985 and 1986. Specific indicators are graphed and discussed below.

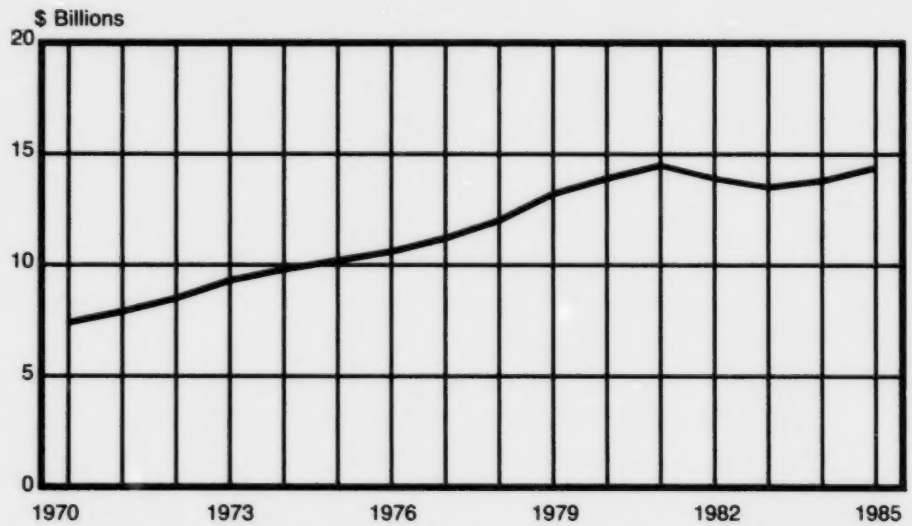
Annual Population Growth — % Change
Alberta, 1971-1986



Source: Statistics Canada, Cat. 91-201

Overall, Alberta's population increased from 1,595,000 in 1970 to 2,384,700 in 1986. The annual rate of population growth remained stable from 1971 to 1974 at around 2%. From 1971 to 1983 the annual population growth ranged from 1.8% in 1972 to 4.5% in 1981. In 1983 it fell to 1.2% and declined to 0.2 and 0.3% in 1984 and 1985 respectively before recovering to 1.2% in 1985.

Gross Domestic Product
Alberta, 1970-1985 (Constant $1971)

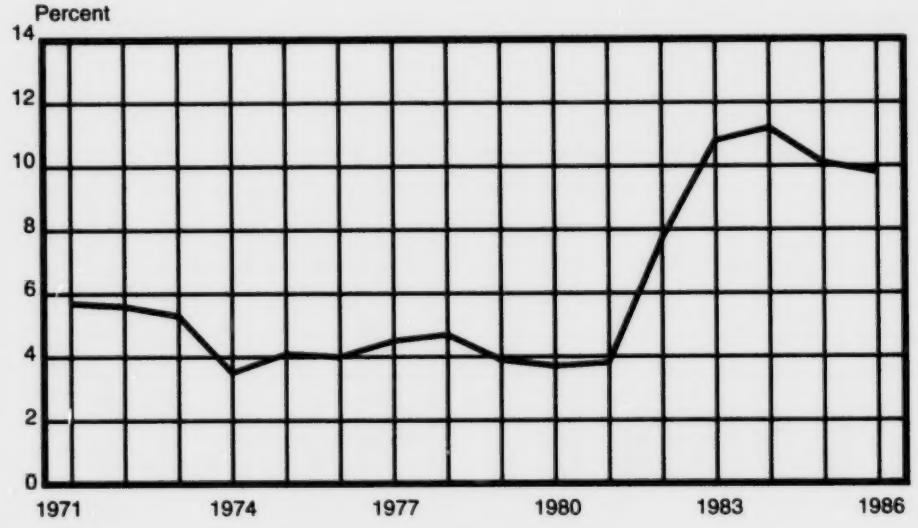


Source: Alberta Economic Accounts

The real gross domestic product (GDP) (the value of total production adjusted for inflation) of Alberta grew strongly and consistently from 1970 to 1981 rising from $7 billion to almost $15 billion over this period. GDP then declined until 1983 with a recovery in 1984 and 1985.

Even with two years of positive growth 1985 GDP did not reach the level achieved in 1981.

Unemployment Rate
Alberta, 1971-1986



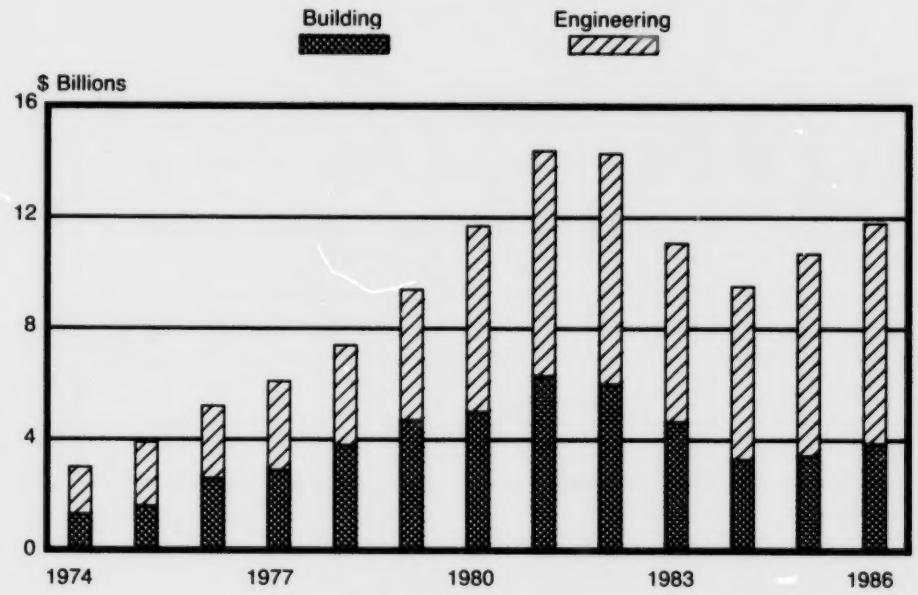
Source: Statistics Canada, Cat. 71-201

From 1971 to 1986 Alberta experienced three peaks in the unemployment rate, 1971, 1978 and 1984, although the general trend was downward until 1981.

The peak of 11.2% reached in 1984 was almost double the 5.7% of 1971 which was the previous highest peak.

Even though the unemployment rate in the province declined both in 1985 and 1986 it is still far higher than in any year before 1983.

Value of Construction Work Performed
Alberta, 1974-1986 (Current $)

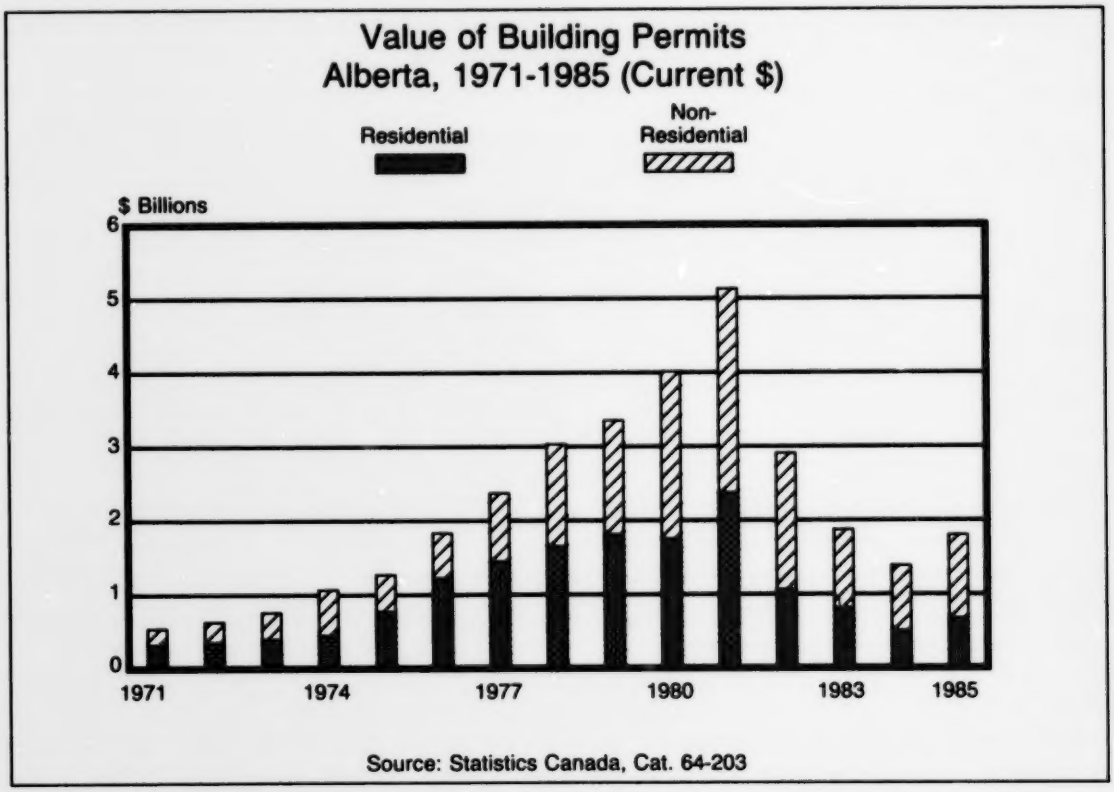


Source: Statistics Canada, Cat. 64-201

The value of construction work performed in Alberta grew rapidly in both the building and engineering sectors from 1974 to 1981, after which a marked decline was experienced. The data in the graph is in current dollars so the decline in value is understated in real terms.

Engineering construction peaked in 1982 and declined for two years before recovering somewhat in 1985 and 1986, still below levels reached in 1981 and 1982.

Building construction peaked in 1981, a year earlier than engineering, but has, since 1984, only recovered to values achieved previously in 1978.



The pattern in the value of building permits in Alberta from 1971 to 1985, understandably, parallels that of the value of building construction over the period.

The current dollar value of residential construction, after peaking in 1981 and then falling until 1984, recovered only modestly in 1985 to a level previously surpassed in 1975.

The value of non-residential construction permits also declined from 1981 to 1984 but recovery in 1985 was somewhat stronger than for residential construction.

UNION MEMBERSHIP AS PERCENTAGE OF NON-AGRICULTURAL PAID WORKERS
Alberta, 1976 – 1985

Year	Union Membership[1]	Non-Agricultural Paid Workers[2]	Membership as Percentage of Non-Agricultural Paid Workers, %
1976	180,172	640,000	28.2
1977	179,373	689,000	26.0
1978	186,567	751,000	24.8
1979	195,774	815,000	24.0
1980	243,120	879,000	27.7
1981	269,000[e]	955,000	28.2
1982	276,016	988,000	27.9
1983	307,162[3]	951,000	32.3
1984	298,070	933,000	31.9
1985	288,339	934,000	30.9

[e] estimate

[1] 1976 - 1979 Statistics Canada, Corporations and Labour Unions Returns Act

[2] Statistics Canada, The Labour Force

[3] The increase shown from 1982 to 1983 is entirely due to improved survey coverage. Total membership in 1983 for organizations also surveyed in 1982 was virtually unchanged.

Union membership as a proportion of the non-agricultural paid labour force has remained relatively constant since 1976. The 1985 membership was 288,339 representing 30.9% of non-agricultural paid workers. In 1980 and 1983 improvements in survey coverage and methodology were almost totally responsible for the higher membership numbers recorded.

UNION MEMBERSHIP BY PUBLIC AND PRIVATE SECTOR
Alberta, 1985 and 1984

Sector	Total Membership (% Distribution)		Non-Agricultural Paid Workers		Membership as % of Non-Agricultural Paid Workers		Female Membership (% Distribution)		Female Membership as % of Total	
	1985	1984	1985	1984	1985	1984	1985	1984	1985	1984
Private Sector	86,351 (29.9)	101,593 (34.1)	634,000* (67.9)	643,000* (68.9)	14	16	11,979 (10.5)	12,537 (10.9)	14	12
Public Sector	201,988 (70.1)	196,477 (65.9)	300,000* (32.1)	290,000* (31.1)	67	68	102,563 (89.5)	102,475 (89.1)	51	52
TOTAL	**288,339**	**298,070**	**934,000**	**933,000**	**31**	**32**	**114,542**	**115,012**	**40**	**39**

* Estimated from Labour Force Survey data.

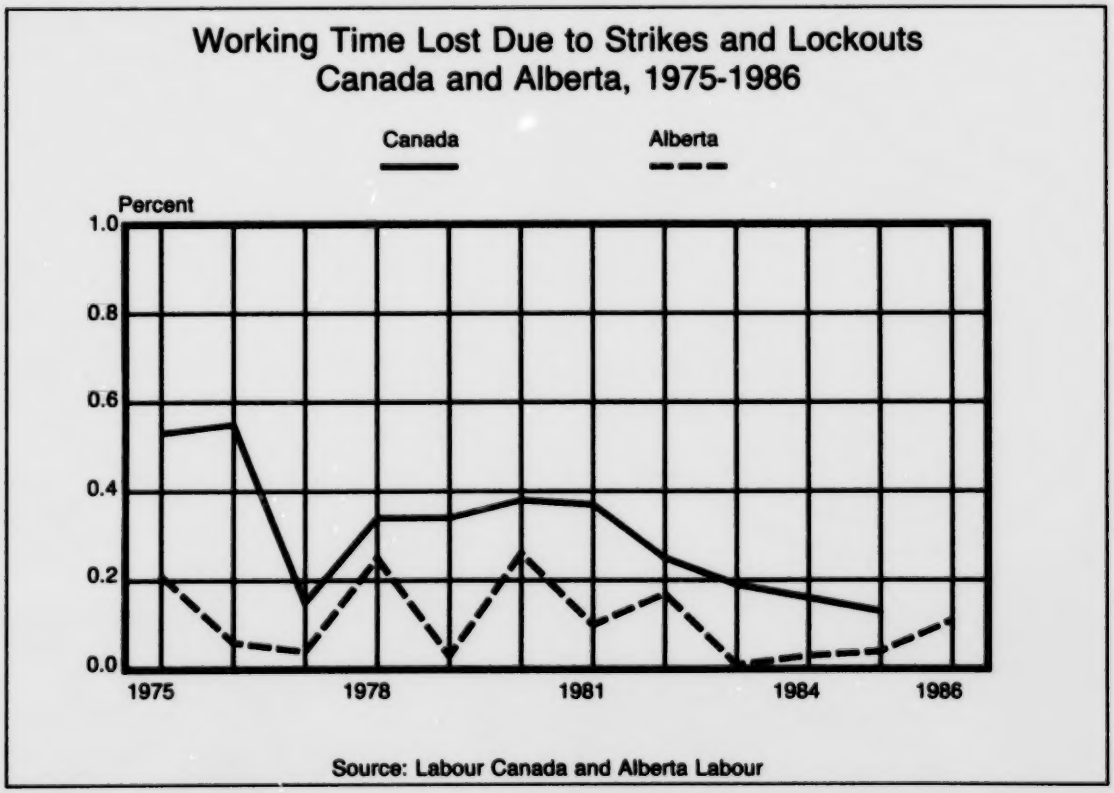
In 1985 about 30% of union membership was in the private sector, a significant decline from the 34% in the previous year. About 14% of private sector non-agricultural paid workers held union membership. In the public sector about 67% of paid workers hold union membership. Of union members in the public sector over half are female compared to about 14% in the private sector.

WORKING TIME LOST DUE TO STRIKES AND LOCKOUTS
Canada and Alberta, 1975 – 1986

Year	Canada		Alberta	
	# of Person Days Lost	% of Working Time Lost	# of Person Days Lost	% of Working Time Lost
1975	10,908,810	0.53	374,940	0.21
1976	11,609,890	0.55	106,910	0.06
1977	3,307,880	0.15	66,810	0.04
1978	7,392,820	0.34	447,340	0.25
1979	7,834,230	0.34	62,560	0.03
1980	8,975,390	0.38	538,680	0.26
1981	8,878,490	0.37	207,700	0.10
1982	5,795,420	0.25	334,630	0.17
1983	4,443,960	0.19	15,440	0.01
1984	3,890,480	0.16	79,230	0.03
1985	3,188,690	0.13	100,270	0.04
1986	—	—	267,432	0.11

Source: Labour Canada and Alberta Labour

During the period 1977-1985, time lost due to work stoppages expressed as a percentage of working time has consistently been lower in Alberta than Canada as a whole.



Source: Labour Canada and Alberta Labour

SETTLEMENT PROCEDURES IN LEGAL STRIKES AND LOCKOUTS
Alberta, 1975 - 1986

Year	Strikes/ Lockouts	Mediator	Emergency Tribunal*	Disputes Inquiry Board	Voluntary Binding Arbitration
1975	33	33	0	0	0
1976	29	29	0	0	0
1977	16	9	7	0	0
1978	45	44	1	0	0
1979	26	26	0	0	0
1980	37	36	1	0	0
1981	27	25	1	0	1
1982	39	39	0	0	0
1983	10	10	0	0	0
1984	36	36	0	0	0
1985	29	28	0	0	0
1986	26	25	0	0	0
TOTAL	353	340	10	0	1

* As established under what is now Section 149 and 150 of the Labour Relations Act. One strike is still on in 1986, one strike ended with company out of business in 1985.

Source: Alberta Labour

The number of strikes and lockouts in Alberta since 1975 has ranged from a low of 10 in 1983 to a high of 45 in 1978.

Out of 353 disputes that resulted in strikes or lockouts and where an agreement was concluded, one was by voluntary arbitration, 10 were resolved by the appointment of an emergency tribunal, and the balance were resolved with the aid of mediators.

A HISTORY OF LABOUR LEGISLATION IN ALBERTA

Legislative involvement in the employer-employee relationship began in Britain long before the process was passed on to Canada and Alberta. There was a need for such legislation in Britain because of the sudden change from a rural economy to a more centralized industrial society. This phenomenon became known in history as the Industrial Revolution. Some of its more beneficial effects were the greater mechanization of manufacturing processes, the production of greater quantities of goods and cheaper costs of production. However, to attain these advantages, a large number of people were required to work for very long hours at very low wages. There was no legislated protection for workers.

Gradually, the attitude toward the nature of the employer-employee relationship changed. Some legislation was enacted to alleviate particularly unacceptable working conditions. In 1824 a law was passed which permitted persons to form trade unions to lobby for the raising of wages. The Factories Act of 1832 prohibited the employment of children under a certain age in factories and limited the hours that older children could work. A system of government inspection was instituted to enforce compliance.

Canada and its territories drew the initial model for its labour legislation from the British experience. The Northwest Territories (which included Alberta) adopted the common law of Britain as of July 1, 1870. At first, most of the labour legislation of the territories and Alberta was of a cautious and conservative nature, but after World War I, it multiplied in volume and became more suited to the Province's own particular needs. Because of the federal character of Canada and because of the nature of the division of powers between the federal and provincial governments, most of the responsibility for resolving labour problems and for paying the costs of labour welfare programs has fallen on individual provincial governments.

The purpose of the following sections of the paper is to capsulize the developments which have occurred over a period of about one hundred years in Alberta labour legislation affecting the employer-employee relationship.

1888

AN ORDINANCE RESPECTING MASTERS AND SERVANTS

The protection afforded by this Act was based, to a large extent, upon the existence of a contract of employment which conferred rights and duties on

both parties. Often, for financial reasons, the employer was in a better position than the employee with respect to the contract of employment. This Act gave protection for the employee against wrongful dismissal. An employee was also given redress through the courts for non-payment of wages by the employer. Furthermore, the employee was given a general protection against ill-use by the employer, which was not based on contract, but rather a recognition of the need for minimum standards of labour.

AN ORDINANCE EXEMPTING CERTAIN PROPERTY FROM SEIZURE AND SALE UNDER EXECUTION

This Act was one of the earliest pieces of social legislation to deal with the average worker as a debtor. The purposes of the Act appeared to be threefold: to prevent a worker from becoming absolutely destitute and unable to provide for his family, to keep him from becoming a burden to the community and to allow him the opportunity to repay his debt.

A debtor and his family were permitted to keep necessary clothing, furniture and other household items up to a value of $500, food for six months, some livestock and forage for the winter months, some farm implements and equipment, the books of a professional man and the tools necessary for the practice of his trade or profession. The debtor could retain sufficient seed grain to seed all his land up to 80 acres and the family homestead up to 160 acres, as well as a house and buildings up to a value of $1500. The rest of his assets were liable to seizure to pay off debts.

THE MECHANICS' LIEN ORDINANCE

A lien was an old right developed under the common law and through practice, allowing one party to seize and hold the goods of another until he was paid for services which had been given. This device later evolved from accepted practice to statutory form introducing an element of uniformity.

This Act was a form of protection for workers' salaries. It gave mechanics, machinists, builders and other types of workers an interest in the land or buildings of the employer until they were paid for work completed or machinery used. Neither the employer nor the employees could contract out of the lien. This eliminated the practice of employees being required in their contract of work to agree not to enforce a lien in order to get the job.

If a party had a lien on some property, he was required to inform the owner within 30 days of the time when the work was done. A claim on the property was also to be filed within the same period of time at the Land Titles Office. The lien lapsed within 90 days unless it was referred to a court and the court made a ruling on it. If a dispute arose as to the amount of a lien, it was settled by arbitration.

AN ORDINANCE RESPECTING SCHOOLS

This Act was very important because it made education compulsory and thus provided a mechanism for keeping children out of the work force until they attained a certain minimum age. It had the further beneficial effect of requiring minimal standards of education before getting a job. By this Act, children between the ages of seven and twelve were required to attend school for at least twelve weeks out of the year.

1892

THE ARBITRATION ORDINANCE

This Act provided the means for resolving a dispute between an employer and an employee or other parties. The dispute had to be submitted to a board of arbitration voluntarily, but once it was submitted it could not be withdrawn. The board of arbitration had the power to make an award based on its findings.

1893

THE COAL MINES REGULATION ORDINANCE

This piece of legislation was one of the first statutes to deal on a comprehensive basis with working conditions. The Act was aimed at alleviating some of the hazards and poor working conditions which existed in coal mines.

It required that the owner or manager of the mine keep a register with certain personal particulars of employees working both above and below ground. Mine owners were required to report annually to the Lieutenant Governor the number of persons employed at the mine. The Lieutenant Governor was empowered to appoint inspectors to see that the requirements of the Act were being enforced. The mine owner was compelled to have a plan of the mine available to an inspector when requested.

A large number of safety regulations were set down including the requirement that any seam of the mine have two shafts to facilitate leaving the mine if one shaft should become blocked for some reason. The machinery for moving persons in or out of the mine was to be operated by a person of at least eighteen years of age. Pit openings and moving machinery were to be kept properly fenced. Adequate ventilation was required to allow enough air in proportion to the number of men and animals working in the mine and also to dispel any noxious fumes which might accumulate in the mine. A mine was to be checked by a competent person for inflammable gases at least once every twenty-four hours or at the beginning of each shift. If it became apparent that there was a danger due to gases present in the mine, workers were to be prohibited from entering the mine except where necessary for the purpose of inspection. Workers were to be withdrawn from the mine when dangerous gas was evident. Where there was reason to believe there was an accumulation of gases, a locked safety lamp was to be used by a suitably competent person. If the means of entry and exit in the mine was machine operated, the machinery was to be attended by a competent and conscientious person at all times.

The Act also provided regulations for the safe operation of equipment for moving loads or safe passage of animals where they were used for carrying loads. There were to be a number of manholes provided along narrow channels, so that workers could step out of the way of moving equipment or animals. Regulations were also provided for the safe operation of other equipment such as steam boilers. Penalties were provided for a breach of these regulations.

1895

AN ORDINANCE RESPECTING THRESHERS' LIEN

This Act was the agricultural equivalent of the Mechanics' Lien Ordinance. It provided that where a farm worker did threshing for another person, the worker could seize grain to cover his wages if he were not paid by the employer.

1897

THE STEAM BOILERS ORDINANCE

The main purpose of this Act was to provide for a system of inspection for steam boilers used in plants and factories. A number of serious accidents had occurred due to faulty or inadequately maintained boilers. This Act

established the Boilers Branch as the government agency responsible for inspection of steam boilers.

By law, all new steam boilers were to be inspected before use and others were to be inspected once a year for such things as pressure, passage of water and steam. To this end, inspectors of the Boilers Branch were to be permitted, at any reasonable hour, to enter business premises which had a boiler. An inspector could demand that an unsafe boiler be repaired, and he could further order that it not be used until it was repaired. Inspectors were required to keep a record of the boilers inspected, the repairs ordered, and the number of injuries and casualties attributed to boilers. This was to be compiled into a report annually.

To operate a steam boiler, a person was to hold a certificate of qualification as an engineer. The Act provided for examination of a party to determine whether he had a competent knowledge of boilers before issuing a certificate. To train as a boiler operator, an individual was permitted to assist a qualified boiler operator until he was competent enough to be examined.

Penalties were provided for contravention of the Act.

THE SCHOOLS ORDINANCE

An amendment was made to this law which provided compulsory schooling for children between the ages of seven and fourteen.

1899

THE COAL MINES REGULATION ORDINANCE

This Act was amended to provide that a person could not work underground for more than eight hours in a twenty-four hour period.

Boys under twelve and women and girls were prohibited from working in the mine.

1900

THE WORKMAN'S COMPENSATION ORDINANCE

If an employee was injured while working, due to the negligence of another

employee, the employer could not use this fact as a defence if the injured employee brought an action against the employer to recover damages.

Prior to this enactment, the injured employee very often had no recourse for the loss suffered, particularly where his injuries prevented him from work. The employer could usually disclaim responsibility where the accident was due to the fault of another employee.

1905

The division of the Northwest Territories into the provinces of Alberta and Saskatchewan occurred in 1905. This meant each of the newly-formed provinces had a greater measure of power to deal with its own affairs. Furthermore, each had the right to adopt the legislation of the Territories, to change it as they saw fit, or to enact entirely new laws.

1906

THE STEAM BOILERS ACT

The newly formed Department of Public Works was to administer The Steam Boilers Act.

The amendments to this piece of legislation included the provision that a person operating a boiler be eighteen years of age or over. Furthermore, examinations for boiler operators were divided into first, second and third classes of competency. This classification regulated the size of boiler which a person could operate.

THE COAL MINES ACT

This Act was also put under the jurisdiction of the Minister of Public Works.

Amendments to this legislation included provisions that boys under the age of sixteen were prohibited from working in or around the mine unless they were certified to be able to read and write and do some arithmetic. The manager of a mine was required to be a holder of a mining certificate and to have a general knowledge of mining. Each mine was to have a certified pit boss, who was the holder of a miner's certificate, in charge of the daily workings inside the mine. Wages were to be paid in proportion to the

amount of coal mined by each person. An individual was to be appointed by the miners whose job it was to measure the amount of coal mined by each person.

Subject to the approval of the Minister of Public Works, the manager of a mine could formulate additional rules for the safe operation of the mine.

1908

THE WORKMEN'S COMPENSATION ACT

The purpose of this Act was to provide some financial relief for persons who were injured while at work. Not all classes of employees came within the confines of the Act, but generally manual workers on a railway, or in a factory, mine, quarry or building were included in the legislation. Agricultural workers were excluded from the protection of the Act.

The employer was liable for injury to his employee except where the worker was incapacitated for less than 2 weeks and where the injury was due to willful misconduct on the part of the employee himself. The employee was entitled to be compensated by the employer either through the provisions of this Act or by bringing a court action, but he could not pursue both means.

An employer could set up his own scheme of compensation in which the workman could be required to contribute provided that the latter's contribution was in addition to the amount required from the employer under this Act. The employer's own plan was subject to approval by the Attorney General. A scale of rates was provided for different types of injuries and there was a provision for arbitration if a settlement could not be reached as to the amount owing for an injury.

THE COAL MINES ACT

Some changes were made in the legislation relating to coal mines so that workers were not to be below ground for more than eight hours in a twenty-four hour period, except in the case of an emergency or accident. A register was to be kept of the times of ascent and descent to and from the mine for each worker.

1909

THE ARBITRATION ACT

The purpose of this Act was to provide a means for settling a dispute

between an employer and an employee or any other two parties. Before this legislation could be applied in any situation, the parties had to agree in writing to have a dispute settled by arbitration. The parties were also required to decide whether they wanted one arbitrator or a panel of three arbitrators. At this point, the court could intervene to appoint an arbitrator if the parties were unable to agree on a suitable person or if a person refused to act. Where each of the disputing parties had appointed an arbitrator, but the arbitrators were unable to agree on a third member of the panel, the court could intervene and appoint someone. The arbitrator had powers similar to a court as he could subpoena witnesses and his award could be enforced as the decision of a court.

1911

THE BOILERS ACT

This was an important amendment to The Boilers Act because of its emphasis on the safety of the establishments where boilers were used. Boiler manufacturers were required to submit for approval to the Department of Public Works a drawing of the boiler and its accessories.

A large part of the Act dealt with the qualifications of persons who worked with boilers. An inspector employed by the Boilers Branch was to be an experienced machinist or boilermaker and the holder of a first class engineer's certificate. Boiler operators were subdivided into two main classes based on their proficiency and skill. These main classifications were engineers and firemen. These classes were further subdivided into first, second and third class certification reflecting the size of boiler which one would be allowed to operate. A person could qualify to take an examination for a higher classification if he was a certain minimum age and if he had a required number of years of experience. Depending on the amount of skill which a person showed he might be given a different certificate than that for which he applied.

1913

THE MINES ACT

This Act repealed and consolidated The Coal Mines Act of 1905 and the amendments of 1908. It provided that no boy under the age of sixteen was to be permitted to work underground in a mine. If machinery was used for entering or leaving the mine or for communicating within the mine, no person under the age of eighteen was to be in charge of operating it. No

boy under the age of fourteen was to be permitted to work around a mine at all and no boy between the age of fourteen and sixteen was to work around the mine unless he was certified able to read and write and had a competent knowledge of arithmetic.

The Act also set out explicit qualifications for persons employed in a supervisory capacity around a mine. A Board of Examiners was created under the Act to give examinations and grant certificates of proficiency. Qualifications were determined for a manager, overman and examiner and also for classes of working miners. Each mine was to have a manager, who was the holder of a first class certificate, and an overman with a first or second class certificate to supervise the daily workings of the mine. The duties of each were enumerated in some detail in the Act.

THE BUILDING TRADES PROTECTION ACT

The general purpose of this Act was to encourage the use of greater precautions while in the process of construction. It was aimed at employers and company owners. The municipality was to administer this legislation and to appoint inspectors to insure its enforcement. The Act contained a general prohibition against the use of unsafe or unsuitable scaffolds, hoists, ladders or mechanical devices. Floors were to be completed as each storey was added on a building. Sidewalks were to be covered and excavations were to be fenced if construction was being undertaken on or near a public street.

THE WOODMANS' LIEN ACT

Where an employee was working with lumber or timber, he had a claim on that wood to the extent of any wages which had not been paid to him. A person could apply to a district court to enforce his claim. A court could order that the logs be seized to pay the wages.

1915

THE TRUANCY ACT

This Amendment provided that children between the ages of seven and fifteen must attend school.

1916

THE EQUAL SUFFRAGE STATUTORY LAW AMENDMENT ACT

Through this legislation, women were to have the same rights and privileges and to be subject to the same disability compensation as men. One of the major changes brought by this Act was the granting of the right to vote to women. The Act also gave the names of a number of statutes under which women were to be considered the equal of men.

THE VOLUNTEERS AND RESERVISTS RELIEF ACT

This Act was passed during World War I. It recognized the contribution of the average soldier to the service of his country and attempted to give him some relief from personal concerns during the course of the War. Creditors were prevented from enforcing debts against soldiers and their families until one year after the end of the fighting. Any court actions against soldiers were also to be suspended until a year after the end of the War.

1917

THE FACTORIES ACT

This was perhaps the most comprehensive piece of labour legislation of the period up to 1917 and it affected the working conditions of more people than any other statute of its day. Inspectors were appointed to see that factories, offices, and plants maintained the minimum standards required by this Act. An inspector could enter a factory at any reasonable time to see that the Act was being complied with by employers. He could require the production of any files or records for his use.

No child under the age of fifteen was to be employed in a factory, shop, office or office building. Each person was to be paid at least $1.50 per shift, except for apprentices who had to be paid at least $1.00 per shift. If an employee were working the day shift, he was not to begin work before 7 a.m. nor finish after 6 p.m. A person working on the night shift was not to work for more than eight hours a day.

The employer was to provide employees with a suitable place for eating away from toxic substances such as paints, varnish and dyes and to allow one hour for meals. Furthermore, the employer was to provide a sufficient number of sanitary washrooms and clean drinking water. The working area was to be heated to a comfortable temperature, properly ventilated and not overly crowded. Where possible, dangerous moving machinery was to be

fenced or guarded and not to be cleaned while moving. Women were to have their hair fastened in such a way that it would not get caught in the moving parts of the machinery.

At this time manufacturers, particularly in the garment industry, had a practice of allowing some of their work to be done in private homes. To protect workers from the dangers of this practice, the Act required that employers keep a register of names and addresses of persons to whom this work was sent. This place could then be inspected to insure that it was sanitary.

As far as general safety measures the legislation provided that elevators and hoists were to be constructed and operated according to certain specifications and were subject to the approval of an inspector. There was also a requirement of fire extinguishers and fire escapes on the premises.

1918

THE WORKMEN'S COMPENSATION ACT

A Workmen's Compensation Board was constituted under this Act to administer its provisions and deal with grievances. This Board was appointed by the Lieutenant-Governor in Council and it had the powers of court in a limited area. It could summon witnesses and examine them under oath and it could compel the production of papers, documents and other evidence. The Board could make a report of findings and act upon that report. It also had the power to make regulations.

Employers were required to submit to the Board a statement of total wages paid out to those working for them. From this statement, each employer was assessed a certain amount to contribute to the administration of the Act and for a reserve fund kept by the Board. Separate accounts were kept for each employer and if an employer had a large number of accidents, his assessment was raised. A workman could not make an agreement with an employer to waive his rights to compensation.

THE BOILERS ACT

Under changes in The Boilers Act manufacturers were required to submit detailed plans of boilers and their accessories to the Department of Public Works before building the boilers. These plans were then registered and had to be approved before being used. The Chief Inspector of the Boilers

Branch could order changes to the design which had to be complied with before making the boiler.

THE SOLDIERS RELIEF ACT

This act repealed The Volunteers and Reservists Relief Act, but it offered similar protection against debts and legal actions for a period of two years after the end of the War instead of the previous one year.

THE FACTORIES ACT

At this time very little change was made in this already comprehensive piece of legislation, except a provision for the protection of women. No woman was to be employed in a factory, office or shop between 11 p.m. and 7 a.m. except with special permission from an inspector.

THE SOLDIERS' HOME TAX EXEMPTION ACT

This Act likewise recognized the service that soldiers were giving to their country and also recognized the fact that soldiers were not holding down regular jobs for wages. Thus a soldier's home and land were exempt from tax for one year after the declaration of peace.

1919

THE ALBERTA GOVERNMENT EMPLOYMENT BUREAU ACT

After World War I, there was a vast undertaking to place people in suitable jobs. Thus, the Alberta Government Employment Bureau was set up to find jobs for both skilled and unskilled workers. The Bureau had the further task of collecting information and statistics on trade and industry.

THE EMPLOYMENT OFFICES ACT

To prevent the exploitation of persons looking for work, The Employment Offices Act prohibited the establishment of any agency to procure employment for others and to charge a fee.

THE ELECTRICAL PROTECTION ACT

An amendment to this Act provided that the Workmen's Compensation Board

could make regulations with respect to the safety and protection of electrical workers around generators, transformers and other electrical equipment.

THE WORKMEN'S COMPENSATION ACT

Under this amendment, employers, not already covered by the provisions of The Workmen's Compensation Act, could apply to have themselves covered by it, if a majority of the employees did not object. This was subject to approval by the Compensation Board in each individual instance.

The Board had the power to investigate whether employers were using reasonable safety devices and officials of the Board could enter working premises for this purpose. A member of the Board could require an employer to install additional safety devices.

1920

THE FACTORIES ACT

An advisory committee was appointed under the Act to determine a minimum wage for female workers and for persons under the age of eighteen. The committee was also to consider the maximum number of hours per day and per week that any employee should be obliged to work.

1921

THE WORKMEN'S COMPENSATION ACT

The Act was changed to provide that, if a majority of workers in a trade or industry agreed to the application, they could be brought within the provisions of this Act and be entitled to the accident benefits.

1922

THE WAREHOUSEMEN'S LIEN ACT

A person storing goods for other persons had a lien on those goods for any labour, transportation or other expenses which he might have incurred in the storage process. The warehouseman was required to give notice of holding the goods and might, as a remedy, sell the goods and use the proceeds to cover his expenses.

THE BUREAU OF LABOUR ACT

This Bureau, which was the predecessor of the present Department of Labour, was established to collect, systemize and publish information related to labour. It was not placed under the jurisdiction of any particular department.

THE MINIMUM WAGE ACT

This Act set up a Minimum Wage Board under the jurisdiction of the Lieutenant-Governor in Council, but not any department in particular. Its function was to inquire into prevailing wage rates. The Board could unilaterally establish a minimum wage for any industry, but it was given the power to hold a conference of an equal number of employers and employees to allow them to work out a minimum wage among themselves.

The Board was unable to deal with female employees who were domestic servants. Among the more important provisions of the Act was the prohibition against an employee accepting less than the minimum wage as stipulated by the Board.

1924

THE WORKMEN'S COMPENSATION ACT (ACCIDENT FUND) AMENDMENT ACT

The Workmen's Compensation Board could charge an employer a certain amount for the administration of this Act and The Electrical Protection Act, to cover amounts payable from the accident fund, to provide a reserve for the future and to create a disaster fund.

A worker's compensation was based on his average weekly wages, but if the workman had only been employed for a short time, the Board could take the average wage of other persons working at the same job.

THE FIRE DEPARTMENT'S HOURS OF LABOUR ACT

The purpose of this Act was to help alleviate the situation of firemen who spent long hours away from home. It provided that every fireman must be off-duty for a full twenty-four hours in a week without loss of pay except where an emergency required the attendance of all officers.

THE FIRE DEPARTMENTS TWO PLATOON ACT

This Act provided that in a city or town with a population of 10,000 or

more and a full-time fire department there should be two shifts, composed as follows, either

(a) working for twenty-four hours with twenty-four hours off, or
(b) working a day shift of ten hours with another group working a night shift of fourteen hours, and alternating weekly.

1925

THE MINES ACT

This amendment provided that where workers were not being paid their wages, the Chief Inspector of mines could arrange for a charge to be put on profits coming from the mines.

THE MINIMUM WAGE ACT

This Act was put under the jurisdiction of the Department of Public Works. The Minimum Wage Board could fix wage rates and make them uniform within a trade. An employer was subject to a penalty if he paid less than the minimum wage. The Board could determine shifts and times for meals in any industry. Inspectors of the Board could enter a place of work at any reasonable hour and question female employees about their jobs. Work agreements between employers and employees were subject to the Act.

1926

THE FACTORIES ACT

With this amendment The Factories Act was put under the jurisdiction of the Bureau of Labour. The Act further provided that an individual's hours of work were not to exceed nine in a day or fifty-four in a week.

THE LABOUR DISPUTES ACT

When a dispute occurred between an employer and his employees, either of the parties could apply to the Minister of Public Works for a Conciliation Board to help resolve the disagreement. The Minister could at his discretion either accept or reject the application. Each party could appoint a member to the Board and the two members could select a chairman. If either party did not make a choice, the Minister could appoint members to the Board. The Conciliation Board had the powers of a court to summon

witnesses, administer oaths and compel evidence. The duty of the Board was to procure a settlement and, to attain this end, the members could make suggestions to the parties. If a dispute was settled, a memorandum of settlement was drawn up. If it was not settled, the Board would make recommendations to the Minister.

1927

THE MINES ACT AMENDMENT

This amendment to the coal mines legislation empowered the Minister to establish a Board of Examiners to determine the qualifications of a person applying for a certificate of competency as a miner. To be deemed a coal miner with a certificate, an individual had to be at least eighteen years of age, he must have been employed underground for a year and he must have passed an examination to show his ability.

THE WORKMEN'S COMPENSATION ACT (ACCIDENT FUND) AMENDMENT ACT

This amendment to The Workmen's Compensation Act provided that if a majority of workers in a particular trade wanted to be brought under the Act, the Board could in its discretion deem the industry to be one covered by the Act.

Furthermore, where a dependant child was receiving compensation for loss of or injury to a parent, the age of compensation could be extended from sixteen to eighteen to further a child's education, at the discretion of the Board.

1928

THE WORKMEN'S COMPENSATION ACT (ACCIDENT FUND) AMENDMENT ACT

This amendment provided that where a worker was disabled and receiving compensation, the Board could make expenditures to re-train the disabled party in an occupation suitable to his disability.

THE COAL MINERS' WAGES SECURITY ACT

A mine owner was required by this legislation to submit a list of wages for the year, paid in respect of the mine. The owner was then required to post a bond or give an equal sum in cash to the government for the greatest

amount of wages paid out in one month. If the owner failed to pay his employees, this amount was used to cover the cost of their wages.

1929

THE OLD AGE PENSIONS ACT

The purpose of this Act was to provide a small stipend for persons who were unable to support themselves in their later life. The money to cover these pensions was to come out of the general revenue fund. The Act set up a Board to determine who should receive a pension.

THE WORKMEN'S COMPENSATION ACT (ACCIDENT FUND) AMENDMENT ACT

Under previous compensation acts, an injured worker could claim from the accident fund or bring a court action to cover his injuries, but he could not use both. Under this agreement, an employee could bring an action in court for his injuries and if he obtained less compensation than he would be entitled to under this Act, he could apply for the balance from the accident fund.

1930

THE COAL MINES REGULATION ACT

The revision of the legislation relating to coal mines constituted a major updating although many of the provisions were similar to those of past amendments. A Board of Examiners existed to check the qualifications of miners. A mine could not employ any women or any boys under the age of sixteen. Workers in a mine were to be paid twice a month unless there was some other agreement. Wages could be determined by the amount of coal mined by each person. Each worker could be below ground for one shift of eight hours in a period of twenty-four hours. The mine owner was required to keep a register of the times of raising and lowering workmen at the mine.

Each mine was required to have a manager to personally supervise the general workings of the mine and an overman to oversee the underground workings of the mine.

Certificates of competency were divided into first, second, third and miner's class depending on skill and years of experience.

A mine was required to have more than one proper outlet. Washing facilities and first aid equipment were required at the mine site. An inspector of the Department of Public Works had a right to inspect a mine and its records.

The Act enumerated safety regulations with respect to use of lamps, explosives, moving carts, hoists and other necessary items within the mine.

THE UNEMPLOYMENT RELIEF ACT

This Act came at a time when there was a serious economic depression in the country and a large number of people were unemployed. It provided for a fund of up to $100,000 to be set aside out of the general revenue of the province to give relief to those not employed.

THE SEX DISQUALIFICATION (REMOVAL) ACT

This Act provided that a person was not to be disqualified by sex or marriage from holding any civil or judicial office or entering any profession or vocation. It removed any prohibition against women entering public life.

1931

THE UNEMPLOYMENT RELIEF ACT

The Provincial Government was empowered by this Act to enter agreements with municipalities to provide relief for persons without jobs and to cover the costs of administering the Act. The municipality could, in turn, enter agreements to carry out the purposes of the Act and to borrow to the extent of its contributory share. The Act also provided for an agreement with the Federal Government to provide unemployment relief.

THE TRADE SCHOOL REGULATION ACT

This Act required that a trade school had to be registered with the Provincial Government and that the registration had to be renewed each year. The applicant trade school was required to have competent instructors, satisfactory equipment for teaching grades and reasonably priced courses. An inspector could enter the trade school premises during operating hours to see that the provisions of the Act were being complied with by the owner or operator. If a person did not maintain the standard

prescribed for a trade school, his license could be revoked.

The Lieutenant-Governor in Council could prescribe minimum hours of instruction, maximum fees on the courses and method of managing the schools.

1932

THE WORKMEN'S COMPENSATION ACT (ACCIDENT FUND) AMENDMENT ACT

A change was made in the Act to provide for employers who had a large increase in the number of accidents on the part of their workers. It provided that the Workmen's Compensation Board could make an additional assessment on an employer if the cost of the accidents of his workers had risen 5% over the previous year.

A disabled worker could request re-training and the Board in its discretion could comply. By means of this Act the Board could enter into reciprocal agreements to compensate Alberta workers injured outside the province.

1934

THE COAL MINERS' WAGES SECURITY AMENDMENT ACT

This amendment to the Act provided for an order of priority if a mine owner could not pay his debts. In such a case expenditures could be made from the bond which a mine owner was required to pay to the Provincial Government. Wages were first to be paid to the miners from the bond, then the expenses of the Minister and finally persons legally entitled to payment from the mine owner. The Minister was to issue a certificate as evidence of security.

1935

THE INDUSTRIAL STANDARDS ACT

This Act was a major step toward comprehensive labour legislation. A major purpose was to provide for the investigation of conditions of labour and prevailing practices for standard uniform rates of wages, hours and days of work. The administration of the Act was to come under the jurisdiction of the Bureau of Labour.

The province was divided into zones for the purpose of subdividing the

various industries. A conference of employers and employees was brought together to negotiate wage rates, hours and days of labour for an industry in a zone. The Minister then approved the conditions agreed upon and the Lieutenant-Governor in Council approved a schedule of rates.

A Board could be established to hear the complaints of employers and employees. Employers were not to pay lesser wages than required by the schedule nor require longer hours of work and no employee was to give his consent to work outside the provisions of the schedule. Provision was also made for inspectors to enforce compliance with the Act and for this purpose, information from employees, registers and financial statements could be required. Women could not be paid a lesser wage than under The Minimum Wage Act, 1925 or The Factories Act, 1926.

THE TEACHING PROFESSION ACT

The Alberta Teachers' Association was constituted under this Act to promote education and advance the interests and status of teachers.

1936

THE TRADESMEN'S QUALIFICATION ACT

A list of designated trades was enumerated under the Act and any other trade where 66% of the persons engaged in it agreed could be added to the list of designated trades. The Act provided that any person engaged in these regulated trades must hold a current certificate of proficiency. The Lieutenant-Governor in Council could appoint a Board of Examiners, to prescribe the nature and scope of the examinations, prescribe the standards of proficiency for a certificate and classes of certificates of proficiency and make regulations.

THE MALE MINIMUM WAGE ACT

A Male Minimum Wage Board was established under this Act. The Board could fix a minimum wage for all employees except farm labourers and domestic servants. Inspectors were empowered to examine books and documents, and question employers under oath. Inquiries were to be made into the wages and working conditions of those under 21 years of age. An employer and an employee could not agree to a lower wage than was prescribed by the regulations.

THE TRADE SCHOOLS REGULATION ACT AMENDMENT ACT

The amendment required that a person who had taken a course at a trade school was required to take a standard examination before receiving a certificate of competency.

THE HOURS OF WORK ACT

The Board of Industrial Relations was established under this Act.

The maximum hours of work for a female employee were to be 48 in a week and for a male employee were to be 54 in a week. This was subject to an exception for persons who worked in a managerial or supervisory capacity. Each employee was to have one day off in seven.

The Board could hold an inquiry with respect to hours of work in a factory, plant, or shop and could examine books, payrolls and records concerning employees.

THE MINIMUM WAGE ACT 1925, AMENDMENT ACT

This amendment brought the Act under the jurisdiction of the Board of Industrial Relations.

It provided that where a person worked in excess of the maximum hours prescribed in The Hours of Work Act, that employee was to be paid at the rate of time and a half for the hours of overtime.

THE MALE MINIMUM WAGE ACT AMENDMENT ACT

This amendment brought the Act under the jurisdiction of the Board of Industrial Relations.

THE FACTORIES ACT, 1926, AMENDMENT ACT

Special provision was made for regulations regarding the inspection and safety of passenger and freight elevators in factories, offices and shops.

1937

THE EMPLOYMENT OFFICES ACT

The Alberta Government Employment Service was constituted under this Act.

The Province was divided into employment districts with an employment office in each one. The service was to help in the distribution of male and female labour throughout the Province. It was also designed to put employers in touch with workers and vice versa. To help with its basic aims, the employment service was to collect statistical information about trade and industry around the Province.

The Act prevented anyone from operating an employment agency for a fee.

THE BUREAU OF LABOUR ACT AMENDMENT ACT

The Bureau of Labour was dissolved and most of its functions went to the Board of Industrial Relations.

1938

THE WORKMEN'S COMPENSATION ACT

The Workmen's Compensation Act underwent a major consolidation and updating this year. Very few substantial changes occurred.

The main administrative body of the Act was the Workmen's Compensation Board. It had an exclusive right to hear and determine all matters relating to industrial injuries. At its hearings, the Board could compel the attendance of witnesses and the production of documents, could administer oaths and adduce evidence. The major functions of the Board were to determine the existence and degree of disability, the extent of loss of earnings and the number of persons dependent on this wage earner. The Board could order that certain safety measures be carried out by an employer and inspect the premises to see that safety regulations were being complied with in the plant or factory. The Board could determine if an employer should be relieved from liability in a particular instance or whether he should be assessed a further contribution.

The Board could compensate a worker for an injury in any instance, except where the injury was due to his own willful misconduct. Even in this latter case, a workman's family could be compensated if the injury resulted in death. To receive compensation for an injury, a worker was required to report an accident within 12 months of its occurrence. The Act had a scale of compensation based on the seriousness of the injury and the number of dependents of the injured worker. An accident fund was created under the Act by contributions required from employers for the administration of the

Act, for compensation to injured workers and for a reserve fund if an emergency ever arose. A separate account was kept for each employer and the Board could reduce or increase the assessment made on an employer depending on the number of accidents on the premises and the number of precautions taken.

THE WORKMEN'S COMPENSATION BOARD (ADDITIONAL DUTIES) ACT

The jurisdiction of the Workmen's Compensation Board was extended to cover The Boilers Act, 1929, The Factories Act, 1926, and The Coal Mines Regulation Act, 1930.

THE FARM CULTIVATION LIEN ACT

A worker who had cleared or cultivated land belonging to another had a lien against the crops grown on that land for wages not paid. The lien had to be registered against land, but a claim could be made against crops not yet grown on the land.

THE HOURS OF WORK ACT AMENDMENT ACT

The definition of overtime was adjusted to mean more than nine hours in a day for a female employee and more than ten in a day for a male employee. Overtime was more than forty-eight hours in a week of six days for a female employee and more than fifty-four hours in a week of six days for a male employee.

THE INDUSTRIAL STANDARDS ACT AMENDMENT ACT

This Act provided that if the employers and employees of a particular industry in a zone could agree on a standard schedule of wages, hours and other conditions, they could submit them to the Minister for approval.

THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT

This remains one of the most important pieces of legislation in the development of labour relations statutes in Alberta. It recognized the right of employers and employees to organize for any lawful purpose. Employees were given the right to bargain collectively. Employers were prohibited from preventing employees, by means of their contract of work, from organizing into a union or similar group.

If a dispute arose between an employer and his employees, the parties could apply for a Conciliation Commissioner, whose duty it was to promote a settlement based on mutual compromise between the parties. If the Commissioner was unable to settle a dispute, it went before a Board of Arbitration. Each party in the dispute appointed one member of the Board and the two so appointed appointed a chairman of the Board. The Board had the power of a court to call witnesses and hear evidence. Based on its findings, the Board made an award of a majority of its members. The award was voted on by the employer and the employees. Strike or lockout between the time of conciliation and the vote was prohibited.

THE MALE MINIMUM WAGE AMENDMENT ACT

The Board of Industrial Relations could determine a fair wage for all classes of employees engaged in the same occupation. Workers were to be paid at the same rate if engaged in a similar kind of work.

THE MINING INDUSTRY WAGES SECURITY ACT

If the amount of wages payable at a particular mine increased drastically, additional security could be required to cover this increased amount. Security could be either cash or bonds. The Minister of Public Works was to give a certificate as evidence of security. If an employer failed to pay wages, the Minister could order cessation of mining operations and distribute the amount posted as security with the Department, as wages for the workers.

1939

THE MINES ACT

This Act was primarily a consolidation and updating of provisions which had been enacted in past years.

The Act provided for the appointment of inspectors who could enter the mine or its buildings at any reasonable hour. To insure that the Act was being complied with, an inspector could require the production of papers and documents, and talk to employees.

No women were to be employed in a mine nor any boys under the age of seventeen years. Each employee was to have a certificate of health before he was to be employed. A person operating moving machinery was to be at

least twenty-one years of age.

An employee was to work below ground no more than eight hours in a period of twenty-four. There was to be a register of times of commencement and completion of each worker. Wages were to be paid twice a month unless otherwise agreed.

To determine the level of competence of a worker, a central Board of Examiners had been established to conduct examinations for a first, second and third class miner's certificate and a mine surveyors certificate. A miner's examination board could determine qualifications for a miner's certificate. A Board of Examiners for Mine Electricians could determine the competency of those who were working in that capacity at a mine. All mines were required to have a mine electrician if they used a certain minimum amount of electric power.

The Act also set out a large number of rules with respect to machinery, explosives and lamps for the safe operation of the mine.

THE MALE MINIMUM WAGE ACT AMENDMENT ACT

Overtime was defined as working time in excess of ten hours a day and fifty-four hours in a week of six days.

THE FIRE DEPARTMENT'S TWO PLATOON ACT AMENDMENT ACT

This amendment provided that towns of a population of 8,000 or more who had a permanent fire department were to arrange the schedule so that firemen were on duty in three separate platoons or shifts of eight hours each.

1940

THE SOLDIER'S RELIEF ACT

This piece of legislation was very similar to some that were passed during World War I for the protection of soldiers and their families.

It provided that a soldier's home property was exempt from assessment against taxation until he ceased to be a soldier. No debt action could be brought against a soldier without a permit.

1941

THE TRADE SCHOOLS REGULATION ACT

This Act was primarily a consolidation of provisions enacted in previous years.

The Department of Trade and Industry had jurisdiction over this Act. Each trade school was required to be registered with this Department. Inspectors could be sent out to the trade schools to examine their teaching materials and teaching methods.

Regulations could be enacted prescribing minimum hours of instruction, maximum fees, terms of payment and level of competence for diplomas and certificates. The Department could also have an official overseer, examinations of proficiency, and prohibit misleading advertising.

THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT ACT

This Act permitted employees to bargain with their employers through a negotiating committee or trade union.

An employee was to include a teacher under The School Act. Teachers were thus permitted to bargain collectively with school boards and were among the first of the non-industrial workers to do so.

THE HARVESTING LIENS ACT

A worker on land belonging to another who was cutting, harvesting, or threshing a crop had a claim on the crop for wages which had not been paid.

1942

THE OLD AGE PENSIONS SUPPLEMENTARY ALLOWANCES ACT

This Act provided that where a person was entitled to a pension payable under The Old Age Pensions Act, Alberta, he was entitled to an additional $5.00 payable at the same time.

1943

THE WORKMEN'S COMPENSATION ACT

This was another major consolidation and updating of the Workmen's

Compensation Act.

A Workmen's Compensation Board had been established with exclusive jurisdiction on the matter of payment of compensation to injured workers. It had the power of a court to call witnesses and examine them under oath and compel the production of books, papers and documents.

The Board could determine whether an injury arose in the course of employment, the existence and degree of disability, the average earnings of the injured party and the amount of loss of earning power and the number of persons dependent on the injured party. The Board could make and enforce regulations and it could also divide up occupations according to the amount of hazard that each entailed. Inspectors empowered by the Board could investigate to see that employers were using proper safety devices and they could order that necessary devices be installed.

Compensation could be paid to a worker for an injury, except where the injury was due to his own willful misconduct. Even in this latter case, a worker's family could be compensated if the injury resulted in death. A claim must have been made against The Accident Fund within twelve months of the accident. The employer must have been notified of the accident by the injured employee or his family. A worker could not contract with his employer to give up his rights to compensation if he were injured. If a worker were injured out of the Province he might still have been entitled to compensation if working at the time.

This Act had a scale of compensation for death, permanent disability, temporary disability, and industrial disease. It also provided for payments to the dependents of the injured party and covered the costs of any medical attention required for the injury.

The Accident Fund was composed of the contributions required of employers. A separate account was kept for each employer. The assessment made by the Board against employers was to cover the costs of administration of the Act, to cover the Accident Fund and a reserve fund. The assessment on an employer varied with the hazards and circumstances of the operation. The Board could reduce an assessment if an employer increased his safety precautions or it could make a super-assessment if the amount chargeable against an employer had increased by 5 per cent over his past assessment.

THE LABOUR WELFARE ACT

This was a new piece of legislation which had adopted many of the

provisions for the welfare of employees on the job from other statutes such as The Factories Act. This Act came under the jurisdiction of the Board of Industrial Relations and the Department of Trade and Industry. Its provisions were not to apply to agricultural labourers or domestic servants.

The Board of Industrial Relations had the authority to make regulations in the field of labour welfare. Its members could hold an inquiry into the conditions of labour in any industry and the general welfare of the employees. Its regulations included such matters as safety garments and safety devices.

The Act provided that women were to be prohibited from lifting heavy objects. Pregnant women were not be be employed beyond a certain stage in their pregnancy. Children under the age of fifteen were not to be employed in a factory, office or shop. Women were to be provided with chairs when not actually engaged in the process of working. The Board could require that an employee be given one week's holiday with pay after a year's employment.

Inspectors appointed by the Board could enter on the working premises at any reasonable hour to see that the Act was being complied with by the employer. To this end, the inspector could examine documents and records or question the employer or any of the employees. He could direct that meals not be taken in a room where the manufacturing process was carried on. The employer could be required to provide a separate room for meals, away from toxic substances.

The Act further provided that the working area was to be kept clean and to have sufficient washroom facilities. The working area was to be kept at a comfortable temperature, properly ventilated and not overcrowded. Women operating moving machinery were to keep their hair securely tied so it could not get caught in the moving parts. An employer was not to hire anyone with a communicable disease.

THE DEBTORS ASSISTANCE ACT

This Act created a Debtors Assistance Board to assist debtors in adjusting their debts and to arrange terms between debtors and creditors. The role of the Board was essentially to give advice and to act as a mediator between debtors and creditors.

THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT

It was lawful for employees to bargain collectively with their employers and to bargain through a negotiating committee or trade union which was elected by a majority vote of the employees. The representative of the employees could serve forty-eight hours notice on the employer to meet and bargain and the employer or his representative was required to attend. An employee was not to be prevented from being a member of a union by threats from the employer.

1944

THE APPRENTICESHIP ACT

The Department of Trade and Industry had jurisdiction over this new piece of legislation. A Provincial Apprenticeship Board was set up under this Act to govern apprentices of all designated trades and register contracts of apprenticeship. Trades were designated as under the jurisdiction of the Board by an order of the Lieutenant-Governor in Council or by a petition of a representative number of workers in a particular trade.

To apprentice an individual had to be at least sixteen years of age. A contract for apprenticeship had to be registered with the Board. Inspectors, appointed by the Board, could make inquiries at training or business premises to insure that the Act was being complied with by employers and apprentices.

The purposes of the Act were to promote apprenticeship in order to ensure availability of skilled tradesmen and to establish a permanent system of training apprentices. The Apprenticeship Board could relegate the qualifications of persons entering the program, the issuance of certificates, the setting of uniform examinations and the standards of hours and wages during apprenticeship.

THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT

This Act expanded on some of the procedures for negotiating a settlement between an employer and employees.

A number of definitions were set out in the Act for reference. These included collective bargaining, which meant to negotiate in good faith with the intent of reaching a settlement. A bargaining agent was not to include

any group affected or assisted by the employer. The acts of a bargaining agent were not to be considered illegal merely because they were in restraint of trade.

One of the roles of the Board of Industrial Relations was to inquire into whether the union or association was a proper bargaining agent and had received an affirmative vote from a majority of employees. Any association claiming nomination as a bargaining agent could apply to the Board which would make an inquiry and report findings. The Board could direct a vote be taken by secret ballot. A bargaining agent was to be appointed for one year unless otherwise agreed upon by employer and employees.

1945

THE COAL MINES REGULATION ACT

This was a major consolidation and updating of the law relating to coal mines. The Minister of Lands and Mines had jurisdiction over this piece of legislation. Inspectors under this Act were required to visit each mine in their district and make a report on its conditions, ventilation, safety of the workers and other features. If an inspector found a practice in the mine or a piece of machinery that appeared dangerous, he could inform the manager and director that it had to be remedied. To facilitate his investigation of the mine, the inspector could summon parties before him, administer oaths and require the production of papers, records and documents. The owner of a mine was required to keep a record of each employee with his name, and date of first employ.

No boy under the age of seventeen was to be employed in a mine nor any female in or about the mine except for clerical or domestic duties. A person in charge of a hoist or transport machinery in or out of the mines was to be at least twenty-one years of age. Before obtaining employment in a mine, a person must have obtained a medical certificate of fitness. A worker was not to be below ground for more than eight hours in a period of twenty-four hours.

Wages were to be paid every two weeks. If there was a default in payment the owner or his agent was required to inform the Chief Inspector of Mines. A record was to be kept of the wages due to each worker. A miner was to be paid by the weight of mineral actually mined unless other arrangements were made. A check-weigher could be appointed by the miners to determine the amount of coal mined by each person. A check-measurer was

appointed to see that the method of measuring and the quantities were accurate.

A Board of Examiners was established to provide for standard examinations and for the issuing of certificates of competence. Certificates were classified as first, second and third class miner's qualifications and certificates for mine surveyors and mine electricians. Every mine which had a total power of 15 kilowatts or more was required to have a mine electrician. The owner of a mine, if taking part in its technical management, was required to have a first class miner's certificate. Every mine was required to have a manager with a first class certificate and the mine was to be under his personal supervision. The underground workings of the mine were to be supervised by an overman. A mine was also to have an examiner to check ventilation, presence of gas, and the general safety.

A substantial part of the Act was directed toward safety measures. The Act prescribed the size of outlets, the number of shafts and the operation of the machinery in the mine. There was also a requirement for sanitary facilities, wash houses, first aid equipment, and hospital facilities. The Act contained a number of other safety regulations on the use of explosives, hoists and safety lamps.

THE HOURS OF WORK ACT

The maximum hours of work for an employee whether male or female, were to be eight in a day or forty-eight in a week of six days.

THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT

To allow continuity and stability in labour relations, a collective agreement between an employer and his employees was to be at least one year in duration.

THE MALE MINIMUM WAGE ACT

Overtime was redefined in terms of The Hours of Work Act as more than nine hours in a day or more than forty-eight hours in a week of six days.

If an employee was unpaid by his employer, he could bring civil court action for the wages due him and the costs of the action.

1946

THE ALBERTA BILL OF RIGHTS ACT

This Act was primarily a statement of general philosophy and a belief in the worth of the individual and his right to certain freedoms. It also recognized the right to employment, the necessities of life, educational and medical benefits and the right to a pension and medical assistance if disabled.

1947

THE PUBLIC SERVICE PENSION ACT

The Public Service Pension Board was set up under this Act to administer its provisions. Deductions were to be made from employees' salaries at the rate of 5% for a pension which could be drawn on at the age of 65. A person could retire at the age of 60 with full benefits if he had been employed for twenty-five years.

THE ALBERTA LABOUR ACT

This was the most comprehensive piece of labour legislation conceived in Alberta at this time. It combined the developments of a number of other statutes into a single document. The Alberta Labour Act came under the jurisdiction of the Department of Trade and Industry and the Board of Industrial Relations. The scope of the Act was to include all employers and employees except farm labourers or domestic servants. The Board had the power to hold inquiries into the contractual relations between parties in a dispute. It could arbitrate in a dispute between employers and employees over hours, wages, and conditions of employment and its settlement was binding on the parties. Furthermore, the Board had powers of inspection to examine books and payrolls, compel witnesses and administer oaths. An employer was required to keep a record of wages and hours of his employees which could be examined by the Board.

The maximum hours of work for an employee were to be eight in a day and forty-eight in a week of six days. The daily limit could be exceeded by one hour if the weekly limit did not exceed forty-eight hours. The employer was required to keep a record of overtime hours of employees. The employee was to have one day's rest in seven.

The Board of Industrial Relations could determine a minimum wage for persons in different classes of employment and direct that no employee

should be paid less. It could also prescribe a fair wage for any individual.

The Board could hold an inquiry into conditions of labour and could set down certain minimum standards for employment. It could prescribe the use of safety garments for certain occupations and could prohibit female employees from lifting heavy objects. The Act further provided that children under the age of fifteen were not to work in a factory, office or shop. Pregnant women were not to be employed past a certain term in their pregnancy. Women employees were to be provided with chairs. The Board could direct that the employees were not to eat in a room where the manufacturing process was going on, but that the employer provide a separate, suitable room away from toxic substances. The employer was also required to keep the working area clean and sanitary, well-ventilated, heated to a comfortable temperature and not overcrowded. There was also to be a number of accessible washrooms for the employees. A person with a contagious disease was not to be employed. Women working with moving machinery were required to keep their hair fastened out of the way of the moving part.

The Minister of Trade and Industry could call a conference of employers and employees in an industry to establish a schedule of maximum hours and minimum wages for the industry. This conference could also determine a rate for overtime pay. If a schedule was agreed upon by a sufficient number of employers and employees, it could be declared in force. The schedule, once agreed upon, could be amended after twelve months.

The Act provided that it was lawful for employees to bargain collectively and through a bargaining agent. The acts of a collective bargaining agent were not to be considered illegal merely because they were in restraint of trade. A collective bargaining agent could apply to be certified where there was no collective agreement between the employer and his employees and no bargaining agent, where there was a bargaining agent but it had been ten months since certification, and where there was a collective agreement but it had been in force for a period of ten months. A collective agreement was to be for a term of one year.

The Board could intervene in negotiations for a collective agreement and recommend arbitration. The employer was prohibited from interfering with the union and was not to attempt to prevent an employee from joining one.

If a dispute existed between an employer and his employees, a conciliation commissioner could be appointed to help the parties to come together to

make a fair settlement. If conciliation failed, the matter could be referred to a Board of Arbitration. Each party in the dispute was to appoint an arbitrator and the two appointees were to agree on a third member of the Board. In default of the appointment, the Minister could appoint members to the Board. The Arbitration Board had the power to call witnesses, require production of documents, adduce evidence and administer oaths. The parties voted to accept or reject the award of the Board. A strike or lockout was prohibited from the time of the appointment of a Conciliation Commissioner to fourteen days after the vote of the arbitration award.

This Act repealed:

The Hours of Work Act
The Male Minimum Wage Act
The Female Minimum Wage Act
The Labour Welfare Act
The Industrial Standards Act
The Industrial Conciliation and Arbitration Act

1948

THE WORKMEN'S COMPENSATION ACT

The Workmen's Compensation Board was to have power over accident prevention to investigate and enforce requirements on employers for safe working conditions. It could require an employer to post additional security for injuries other than the contribution already required under this Act.

THE BLIND WORKMEN'S COMPENSATION ACT

A blind worker was to be given an additional allowance over and above his payment under the Workmen's Compensation Act. The Institute for the Blind was to have jurisdiction over him and was to help place him in suitable employment. Officers of the Institute for the Blind were to have access to the blind worker on the job at all reasonable hours with permission from his supervisor.

THE RETIREMENT PENSION ACT

The purpose of this Act was to encourage employers to set up pension plans with their employees and to aid them in the administration of the approved scheme.

THE ALBERTA LABOUR ACT

The Act was amended to bring it under the jurisdiction of the Department of Industries and Labour. It provided that trade unions were not to solicit people into their membership during working hours. For either party to commence collective bargaining upon the expiry of the collective agreement, the one party must give the other two months notice. A collective agreement was to be binding on the bargaining agent, the employer and all the employees in the bargaining unit. The legality of a strike or lockout could be determined by a referral to the Supreme Court of Alberta.

THE COAL MINES REGULATION ACT

If a dispute arose on a matter of safety within the mine, a Board of Arbitration could be appointed under this Act to determine the issue. The Chief Inspector of Mines was to appoint one member to the Board and the owner or manager of the mine, another. The two members so appointed were to choose a third party. If either party failed to appoint a member to the Board, an application could be made to a District Court Judge and his decision was binding.

1950

THE ALBERTA LABOUR ACT

An employer was required to post conspicuously the hours of work and when shifts were to begin and end. He was also required to give an employee twenty-four hours notice before changing his hours of work. Where the employer's business was extra-provincial, it was required that there be a bargaining representative within the province with the authority to conclude a collective agreement. An individual's pension rights were not to be affected by a legal strike or lockout.

1952

THE OLD AGE ASSISTANCE ACT

This Act repealed The Old Age Pensions Act, Alberta. An Old Age Assistance Board was created to receive applications and determine the eligibility of persons applying for a pension under the Act. The Board was empowered to appoint a trustee for a recipient who was incapable of handling the pension received.

The Provincial Government was given the authority to enter into any agreements or make any adjustments in its pattern of contributions to a pension scheme if the Federal Government withdrew from the field or radically changed its scheme.

THE SUPPLEMENTARY ALLOWANCES ACT

This Act came under the jurisdiction of the Department of Public Welfare. The coverage of supplementary allowances was extended from old age pensions to blind persons and persons of slight financial means. The maximum allowance was to be ten dollars a month. A Board was established to receive applications for allowances and to determine the eligibility of applicants. Entitlement to this allowance was to be based on a test of financial means.

THE WORKMEN'S COMPENSATION ACT

The Act was amended to allow members of the employers' family to receive compensation if they were injured while working for him and if an application was made to bring them within the Act. The employer himself could receive compensation if he was included on the payroll with the employees for whom the employer paid an assessment to the Workmen's Compensation Board. The Board could deem a volunteer employee to be covered by the Act if it was in the public interest.

1953

THE FIRE DEPARTMENTS PLATOON ACT

The Minister of Industries and Labour had jurisdiction over this Act. It gave firefighters the right to bargain collectively with their employers. If the parties were unable to make a collective agreement, the matter was to be referred to the Board of Arbitration. The award of the Board was binding on both the town council and the firefighters. An agreement was to be one year in duration or such longer time as agreed upon by the parties. The Board of Arbitration was to be composed of three or five members. Depending on the size of the Board each side in the dispute appointed one or two members who were then required to agree on a chairman. If any party defaulted in appointing a member to the Board, the Minister could make the appointment.

THE POLICE ACT

This Act denied the right of police officers to join a trade union, but allowed for collective bargaining by a committee of the members of a municipal police force or by a police association. Disputes were referred to a Board of Arbitration whose decision was binding on the parties.

1954

THE COAL MINERS REHABILITATION ACT

This Act was conceived to rehabilitate and give financial aid to unemployed coal miners through retraining or any other feasible means.

THE ALBERTA LABOUR ACT

An employee was defined as a person engaged in an industry and entitled to wages for labour or services performed.

An employer was required to keep a record for each employee: name, age, address, hours of work, wages paid, date of commencement of work, date of change in wage and time of annual holiday.

The Board of Industrial Relations could issue an order fixing maximum overtime hours.

1955

THE GAS PROTECTION ACT

The Act was passed to provide protection to gasfitters and other related workers dealing with gas installation and gas equipment. A board of examiners was established to determine the qualifications of a gasfitter and to issue a certificate of proficiency at an appropriate level to the qualified party. The design, construction and repair of gas equipment was prescribed under the Act. Inspectors were to be appointed to oversee the safety of gas operations.

THE COAL MINES REGULATION ACT

As well as general mines inspectors, the Act provided for electrical inspectors who were to examine the equipment for generation and transmission of electrical energy in the mine. Electricians for mine work

were divided into first and second class qualifications.

A large mining operation was to have an assistant manager to aid the manager in the supervision of the mine. A mine was also to have a driver boss to oversee the use of some of the equipment. Check-weighers and check-measurers, whose jobs were to determine the amount of coal mined by each miner, were to be elected by the miners by secret ballot.

1956

THE WORKMEN'S COMPENSATION ACT

If a workman was given more compensation than he was entitled to, the amount overpaid became a debt which he had to repay to the Workmen's Compensation Board.

ACT TO AMEND THE POLICE ACT

This Act defined a unit appropriate for collective bargaining and provided for the appointment of a conciliation commissioner to assist in resolving bargaining disputes. Where a conciliation commissioner could not settle the dispute it was referred to binding arbitration.

1957

THE ALBERTA LABOUR ACT

Changes in the Act included a provision requiring an employer to give one week's vacation with pay for one year's service and two weeks vacation with pay thereafter.

A female employee was to be paid at the same rate as a male employee for substantially the same work. A female employee could lodge a complaint with the Board of Industrial Relations if she felt that she was being underpaid and an inspector was to investigate and attempt to settle the issue.

When the weekly maximum hours were exceeded by employees, the employer was required to submit to the Board the reason for exceeding the limit, the number of employees involved and the extent that the limit was exceeded. An employer with more than eleven employees was required to keep a written statement of the hours worked by an employee, the wages earned at the regular rate and the wages earned at the overtime rate.

1959

THE DEPARTMENT OF LABOUR ACT

The growing importance of the labour field was recognized when the Department of Industries and Labour was replaced by the Department of Labour.

1960

THE ALBERTA LABOUR ACT

The Act was deemed not to apply to municipal constables. If an emergency arose due to a labour dispute which threatened to cause injury to life or property, the Lieutenant-Governor in Council could impose emergency measures and do all things necessary to stop the dispute.

If an employer failed to give a vacation with pay, the employee could recover in court a sum in lieu of time off for vacation.

A trade union was not to be certified if it had picketed the place where it was attempting to get representation and it appeared the picketing led to its support. In the case of an illegal strike a union was not to try to dissuade employees, customers or persons carrying freight from entering a place of business.

1963

THE TRADE SCHOOL REGULATION ACT

The proprietor of a trade school could be required to file security with the Minister of Labour, in an amount determined by the Minister, to insure that he performed his contract with the students.

1964

THE ALBERTA LABOUR ACT

This amendment held that a collective agreement was to be in effect until a final settlement was reached on a new collective agreement. Employees were not to go on strike until written notice of such intention had been given to the employer by the bargaining agent. An employer was required to give similar notice before proceeding with a lockout.

1965

THE WORKMEN'S COMPENSATION ACT

If a worker was required to attend classes as part of his employment, the classes were deemed to be part of his employment for the purposes of recovering compensation. When a worker was injured, he was required to make a claim against the Accident Fund within one year. If he had notified the employer of the accident, the worker was entitled to make a claim against the Fund within three years.

1966

THE HUMAN RIGHTS ACT

The Act prohibited discrimination against any class of persons based on their race, religion, colour, ancestry or place of origin. An employer could not deny employment or discriminate with respect to employment for any of these reasons. Trade unions also were not to discriminate against persons on any of these bases.

If a person felt he was wronged within the confines of this Act, he was to make a complaint to the Administrator appointed under the Act who would attempt a settlement. If a settlement was not possible a board of inquiry was set up to investigate the situation and report on its findings. If the board of inquiry found the complaint justified, the offending party could be prosecuted in the District Court.

THE PENSION BENEFITS ACT

This Act required every employer of employees in Alberta covered by a private pension plan to register with the Superintendent of Pensions all those plans which were active on or after January 1, 1967.

The Act was designed to protect members of private pension plans by ensuring that the plans were solvent, by providing for vesting of pension rights when employees changed jobs and by providing employees with adequate information about the plan. It provided for minimum standards in similar fashion to that provided under other comparable legislation.

No changes were made to the Pension Benefits Act between 1967-1970 and the Revised Statutes of Alberta 1970 continued with the original version of the Act in the form of the Pension Benefits Act, R.S.A. 1970, c.272.

THE WOMEN'S CULTURAL AND INFORMATION BUREAU ACT

The purpose of this Act was to establish a branch of the public service to deal with the particular problems of women in the area of employment and in the legal, cultural, social and public sector of society.

1967

THE AGRICULTURAL AND VOCATIONAL COLLEGES ACT

This Act was conceived to promote post secondary education and training of a nature that would be practical and distinct from university training. A Board of Agricultural and Vocational Colleges was constituted to prepare a curriculum of scientific and practical work, prescribe the course studies and get advisory bodies to coordinate the high school and college educations.

A student was required to take a full course of studies and to demonstrate sufficient practical and theoretical skill, after which he was to be awarded a diploma.

THE OMBUDSMAN ACT

This Act provided for an independent commissioner to investigate the grievances of private citizens or agencies of government, where a party felt his rights had been infringed upon by an administrative procedure or other cause and he had no recourse to the courts.

1968

THE CIVIL SERVICE ASSOCIATION OF ALBERTA ACT

An Association for Alberta Government employees was set up under this Act. Its role was to promote harmony between Government and its workers, to develop the skill, education and efficiency of employees, to bring about united action in matters of common interest and to make agreements between Government and the Association.

THE CROWN AGENCIES EMPLOYEE RELATIONS ACT

This Act gave the Civil Service Association of Alberta, the sole right to bargain with an employer in an instance where a majority of the employees were members of the Association.

Either the employer or the Association could request negotiations and a negotiating committee was to be set up. If the recommendations of the committee were not acceptable, the matter could be referred to a mediation board. The mediation board had the power of a court to administer oaths and receive evidence. If the report of the mediation board was accepted by both parties, it became binding. If the report was rejected the matter was referred to arbitration and the award of the arbitration board was to be final and binding.

THE EMPLOYMENT AGENCIES ACT

An employment agency was required to be licensed pursuant to this Act. An agency could not take remuneration from a person seeking employment or for whom it had secured employment. A person seeking work was not to be sent, by an employment service, to a place of business where there was a strike or lockout. A record was to be kept of persons seeking employment and the places of business to which they were directed.

THE ALBERTA LABOUR ACT

There were major amendments to a number of diverse areas of the Act. The application of the Act was defined in greater detail so that it was determined to apply to farm labourers in a commercial undertaking, as opposed to a private farm. Municipal policemen, however, continued to be excluded from the provisions of the Act.

A pay period was not to be longer than one month and an employee was to be paid within ten days of the end of a pay period. An employee was also to be paid immediately upon termination of his employment.

The provision regarding vacations with pay still required that an employee receive two weeks annual paid vacation. It also required that a proportionately lesser time be allowed when an individual had worked for a term of less than a year. Vacation pay had to be given in lieu of a vacation with pay. The Board of Industrial Relations could determine what constituted the hours, days, weeks or months of work for the purpose of establishing what constituted vacation pay. For this purpose, the Board could also determine what was an individual's wage or pay.

The Board had the power to enquire into an application for certification of a bargaining agent. As part of the enquiry the Board could require production of documents or other evidence by the union or association, and

it could hold a vote. The Board could study the membership of a unit and include or exclude individuals put forward by the applicant union as members.

When two or more unions applied to merge, the Board could require production of evidence of consensus of the members or hold a vote. A decision of the Board was to be final, but it could reconsider its decision or it could ask for judicial review of a decision.

A collective agreement made by a bargaining agent was to be binding upon that agent, all the employees in the unit, and the employer who entered that agreement. A collective agreement between an employers' organization and a bargaining agent was to be binding upon each member of the employers' organization who was a member at the time of the agreement and on whose behalf the agreement was made. The employers' organization was to give the names of all the employers for whom it was bargaining and in default of this, it was assumed to be bargaining on behalf of all the employers.

Every collective agreement was to have a provision for final settlement of grievances by arbitration or similar means. If an agreement did not have any such provision, the machinery in the Act was made part of the agreement. An arbitration board could make an award, but it could not change the terms of a collective agreement. If the employer or the employees or their representatives failed to comply with an arbitration award, one party could apply to the courts to have it enforced.

1969

THE TRADE SCHOOLS REGULATION ACT

The Minister could cancel the registration of a trade school if it had misrepresented course content or employment opportunities to a student or if a course was valueless or not adequately taught. In the case of one course, the Minister could merely require that the trade school cease to offer it.

THE WORKMEN'S COMPENSATION ACT

This amendment was an updating and revision of some of the major terms of the Act. It provided that the Workmen's Compensation Board could delegate any of its powers to its officers. The Board or its officers could enter the working premises of an employer who was contributing to the Accident Fund to determine if the working of machinery and appliances was safe,

adequate and sufficient, proper precautions were made for workers, safety appliances required by law were being used and the premises was sanitary and properly ventilated and heated. The Board could order that additional appliances or fixtures be installed for safety reasons.

If a workman was injured or killed due mainly to the failure of the employer to comply with safety regulations, the Board could assess the employer with up to half of the cost of the claim against the Accident Fund. If an employer failed to provide safe working conditions, the Board could make an additional assessment on the contribution owing to the Accident Fund. Where an employee was entitled to compensation under this Act, he could not then bring a court action against his employer.

1970

THE BUILDERS' LIEN ACT

An individual who worked on, or furnished any material to, a building or land was to have a lien against that land or building. He could not contract out of those rights. The lien could be registered, and could be cancelled or enforced by a court order.

THE ALBERTA LABOUR ACT

This major amendment in the Act was to keep it in line, as much as possible, with the latest trends and developments in labour relations. The application of the Act was extended to include Alberta Government Telephones, the first Crown corporation to be brought under the Act.

The Act made provision to formalize group bargaining in the construction industry through registration provisions. An employers' organization could bargain with a trade union or a group of trade unions for all the employers with whom the trade unions had collective bargaining rights. The collective agreement between the employers and the trade union was to be binding on all the employers.

Provision was also made for the establishment of a representative council to deal with jurisdictional disputes. A committee was to be made up from delegates of the employer and the trade union, but if the parties failed to appoint a committee, the Board of Industrial Relations could make a decision. The decision in either case was to be binding on all the parties involved.

To eliminate some disruptions in the construction industry, the Act prohibited anyone from refusing to load or unload goods from a carrier, except in the case of a legal strike or lockout between the carrier and his employees. Picketing was to be carried out in a lawful manner at the employers' place of work and nowhere else.

A significant provision was the recognition of employers' organizations and trade unions as legal entities.

Emergency powers to deal with work stoppages were extended to areas where privation or human suffering would result from a stoppage for an extended period of time.

Where unfair labour practices or unlawful work stoppages occurred, the Board of Industrial Relations was to have the power to hear the circumstances and order unlawful practices to be stopped.

Female employees were to receive equal pay with male employees for similar work. A female employee could file a complaint about wages with the Director of Labour Standards.

THE INDUSTRIAL WAGES SECURITY ACT

This Act provided a foundation whereby employee wages were secured in designated industries.

Every employer engaged in a designated industry was required to deliver annually in the month of May, a statement of the total amount of wages paid or payable to all workers during the preceding twelve months.

Every existing employer or those proposing to engage in a designated industry were required to deliver to the Minister of Labour, upon request, a statement of the assets and liabilities of the employer.

Every employer was required to make a monthly return to the Minister of Labour detailing the wages paid or owing to employees. Any employer failing to make a correct return was guilty of an offence and liable to a fine up to $100 or imprisonment of up to one month.

Every employer had to lodge security with the Minister for the payment of wages for the period of one year. The amount of security was to be determined by the Minister if the period was less than 12 months. If an

employer defaulted, the amount of security required was to be twice the greatest amount of wages paid in a month. The Minister could authorize an employer to pay by installments.

An employer could be required to pay additional security if the Minister became aware that the amount of security was inadequate by reason of a substantial increase in the amount of wages.

AN ACT RESPECTING LABOUR RELATIONS FOR FIREFIGHTERS AND POLICEMEN

This Act repealed The Fire Departments Hours of Labour Act, and The Fire Departments Platoon Act.

All policemen were to have the right to be members of a police association and to bargain collectively. Either the bargaining agent or the municipality could initiate bargaining or negotiations through a bargaining committee. A conciliation commissioner was appointed where an agreement could not be reached. The dispute would be referred to binding arbitration.

The Act provided the right to organize and bargain collectively for all firefighters except the chief and deputy chief, and all police officers except the chief constable and deputy chief constable. No police officer could become or continue to be a member of a trade union or affiliated organization.

Police officers and firefighters were prohibited from engaging in work stoppages. The Act provided for the appointment of a conciliation commissioner if no agreement was reached, detailed the functions of the conciliation commissioner to investigate the dispute, seek to mediate between the parties, and submit a report to the Minister, and provided for the Minister to refer the dispute to a Board of Arbitration if no application for the appointment of a conciliation commissioner was made, or when the commissioner reported that there was no settlement.

The Act also detailed the composition of a Board of Arbitration, including a binding award of the Board within 14 days. The Board's term could be extended. The decision of the majority or the decision of the chairman was the award of the Board.

1971

AN ACT TO AMEND THE FIREFIGHTERS AND POLICEMEN LABOUR RELATIONS ACT

Section 11(1), pertaining to the Board of Arbitration, was amended by adding a stipulation that the Board was to consist of three members.

Section 12(1), respecting the composition of the Board of Arbitration, was repealed and substituted. Each party could appoint one member and the two members jointly appoint the third member as chairman. The original section stipulated that the Board was to consist of five members.

Section 12(4)(a), respecting the appointment of a member by the Minister, was altered to indicate if either party failed to appoint a member of the Board within seven days after the notice of the party referring the dispute to arbitration, the Minister could appoint a member.

1972

THE ALBERTA LABOUR AMENDMENT ACT

The Act enabled the Board of Industrial Relations to set limits on daily working hours or to prescribe the extent to which such hours could be exceeded. It established employee wages claim priority over those of the Crown, preferred, ordinary or general creditors of the employer to the extent of $2,500. Employers were precluded from opting out of a properly registered employers' organization and employers establishing a bargaining relationship under a registered or collective agreement were deemed to be part of a registered employers' organization.

1973

THE ALBERTA LABOUR ACT

The Act reduced daily hours of work before overtime was paid from 9 hours to 8 hours per day, and empowered the Board of Industrial Relations to declare more than one corporation, person, partnership or association to be a single employer when business activities were carried out under common control. It also ensured that employees could not be dismissed, laid off or suspended for the sole reason of garnishment proceedings being taken against the employee. It increased an employee's wage priority to $5,000 over preferred, ordinary, general creditors, and those of the Crown. The Act gave authority to the Board of Industrial Relations to make an order respecting notice of termination provisions. Board capacity to determine

that one or more businesses were a single employer for purposes of the Act was established.

The Board of Industrial Relations was expanded to an unrestricted membership. Provision was also made for voluntary interest arbitration.

1974

THE ALBERTA LABOUR AMENDMENT ACT

Construction of oil sands plants within a designated geographic area were exempted from application of various provisions. The principal contractor provided authority to bargaining collectively on his own behalf and on behalf of any other employer engaged in construction on the site with any trade union. Such negotiations were not to include items such as wages; welfare and pension benefits; vacation and holiday benefits. Any agreement concluded would be deemed to include for the excluded items, the same terms as those concluded between individual employers and trade unions in their regional/provincial agreements. In fact no strikes or lockouts could occur as the term of the collective agreement extended through the life of the project.

1975

THE ALBERTA LABOUR AMENDMENT ACT

The Act gave the Board of Industrial Relations the authority to make an order respecting maternity leave provisions. It also gave the Board the authority to summon and enforce the attendance of witnesses with the production of documents. The Board could hear and accept evidence whether admissible in a court of law or not, and was not bound by the law of evidence.

1977

THE INDUSTRIAL WAGES SECURITY AMENDMENT ACT

This Act repealed section 4 of The Industrial Wages Security Act respecting monthly returns by employers.

THE ALBERTA LABOUR AMENDMENT ACT

The Act made it an unfair labour practice for the parties not to bargain in

good faith and empowered the Board to adjudicate. It provided for coordination of collective bargaining in the construction industry and empowered the Minister to create an Impartial Jurisdictional Disputes Board. Constraints on the employer's right to free speech were discarded. The model arbitration clause was changed to provide for a single arbitrator.

THE PUBLIC SERVICE EMPLOYEE RELATIONS ACT

The Public Service Employee Relations Act came into effect on September 22, 1977.

It repealed The Crown Agencies Employee Relations Act and certain sections of The Public Service Act, which included employee relations and bargaining procedures. The Act applied to the Crown in right of Alberta and corporations, commissions, boards, councils on other bodies, the majority of whose members were designated either by an Act of the legislature, the Lieutenant Governor in Council or a Minister of the Crown so empowered to appoint.

The Public Service Employee Relations Board was responsible for administering the Act. The Board's primary responsibilities included the determination of appropriate bargaining units, the certification of bargaining agents, the investigation of unfair labour practices and other specific breaches of the Act. The Board was also empowered to appoint mediators and adjudicators, or establish arbitration or adjudication boards. The Board was given broad regulatory authority to issue orders, notices, directives, declarations, certificates and other decisions which might be necessary in order to effect the purposes of the Act. It was empowered to make its own rules of procedure for conducting hearings, inquiries or investigations.

The Act established a scheme for collective bargaining with final determination of items, subject to specified statutory exception, through binding arbitration,

The Act also provided for a single adjudicator, to be appointed by the Board, to settle differences concerning the application, interpretation, or operation of a collective agreement,

The Act was generally patterned upon the Alberta Labour Act as it pertained to certification and unfair labour practices. However, the primary

difference was the prohibition of strikes and lockouts and provision for binding arbitration.

1979

THE FIREFIGHTERS AND POLICEMEN LABOUR RELATIONS AMENDMENT ACT

This Act amended The Firefighters and Policemen Labour Relations Act by substituting deputy chief constables for deputy chief constable.

This change was introduced by the Government in response to a court decision in March 1979 narrowing the interpretation of the Act as it applied to deputy chiefs of police and fire departments. The change was designed to ensure that the practices of organization and administration of police and fire departments continued as in the past.

In a number of police and firefighter forces in Alberta, the policy and procedure of having more than one deputy chief outside the unit had developed. Since the legislation was intended to reflect as much as possible the voluntary developments which occur in the area of labour relations, it was altered to respect the administrative and organizational arrangements, and honour good working relationships.

Application of the Act differed from that of the Alberta Labour Act, 1973. It was normal to examine individual positions of management and determine whether the position was truly managerial in terms of relationship to employee, supervisory authority and ability to influence the budget process.

THE ALBERTA LABOUR AMENDMENT ACT

Provisions dealing with labour relations during the construction of oil sands plants were amended to clarify the requirements and procedures for the designation of oil sands projects by Cabinet. As well, it regulated collective bargaining in the designated area by indicating those matters subject to bargaining.

1980

THE PENSION BENEFITS ACT

Regulations were put in place respecting: (1) methods of computing pension

benefit credits, pension benefits and the commuted value of a deferred life annuity; (2) variations of pension benefits and deferred life annuities by reference to pensions payable under the Old Age Security Act, the Canada Pension Plan, the Quebec Pension Plan or any other pension plan administered by either the federal or a provincial government; (3) classes of investments and loans in which future and previously accumulated pension funds may be invested; (4) tests and standards for solvency of pension plans; (5) conditions under which pension benefit credits may be held in trust by the administrator or transferred to benefit credits may be held in trust by the administrator or transferred to another pension plan, to a registered retirement savings plan, or to an agency designed by the Lieutenant Governor in Council; (6) employees and pension plans that are excepted from the Act; (8) prescribing mental or physical disability; (9) disposition of assets of a pension plan that has been discontinued; (10) furnishing of information in respect of pension plans; (11) proscribing forms; (12) prescribing fees for registration and the annual supervision of pension plans; (13) approving contributions and benefits formulae in respect of pension plans; and (14) any matter necessary to carry out the intent and purposes of the Act.

INDUSTRIAL WAGES SECURITY ACT

The Industrial Wages Security Act incorporated all changes made by the Auditor General Act, 1977 56 and The Industrial Wages Security Amendment Act, 1977. Section 1 of the original Act respecting "short title" was dropped and other sections renumbered. Subsection 10(1) of the Revised Act respecting cessation of business operations by the Minister was subdivided into two clauses, and the two conditions of default were clearly separated from the text.

1981

LABOUR RELATIONS AMENDMENT ACT

In the case of a newly certified union, neither the employer nor the union could cause a work stoppage for 60 days following certification if a notice to commence collective bargaining was served. Changes also allowed officers of the board to question an employee during working hours without the employer present, extended protection to employees seeking certification through petitions, and froze working conditions from date of application for certification.

EMPLOYMENT STANDARDS AMENDMENT ACT (BILL 46)

Proclamation of the Employment Standards Act eliminated the quasi-criminal process of obtaining judgements for employees' earnings. A tribunal was created where an Umpire heard employer and employee disputes. This Act clarified the status of employer deductions from an employee's pay, including faulty workmanship, cash shortages, and written authorization. It also provided for the issuance of a third party demand to assist in the recovery of employees' wages.

The Director and officers under the Act were given various authorities, some of which were previously confined to the Board of Industrial Relations. The Act extended limited employment standards protection to agricultural and domestic workers. It created a secured creditor priority for employees in some instances, and allowed the filing of orders with Land Titles and Central Registry.

THE LABOUR RELATIONS ACT

Many provisions of the Alberta Labour Act, 1973 were generally changed and redistributed between two separate pieces of legislation: The Employment Standards Act, and The Labour Relations Act.

The Act eliminated conciliation. Government assistance in collective bargaining disputes was to be known as "mediation" and was dependent upon the expiry date of agreement, not on the series of time limits and procedures previously used. Either party could request mediation any time during the dispute, and the mediator was to assist until the matter was resolved. Parties were free to strike or lockout any time after the expiry of a collective agreement unless a Disputes Inquiry Board was appointed by the Minister and basic procedural guidelines were followed, including a secret ballot vote and 72 hours notice.

The Board of Industrial Relations was renamed the Labour Relations Board and given greater discretion in dealing with unfair labour practices.

EMPLOYMENT STANDARDS AMENDMENT ACT

The Act subsequent to Bill 46, permitted monetary deductions from wages of an employee when authorized by a collective agreement. It also provided for reciprocal enforcement of orders of officers and certificates filed as judgements with other reciprocating provinces.

1982

HEALTH SERVICES CONTINUATION ACT

This Act specifically applied to the nurses until December 31, 1983. Any strike or lockout, otherwise permitted under the Labour Relations Act, was deemed illegal and employees and employers ordered to resume services. An Arbitration Tribunal was provided to prepare a binding collective agreement.

1983

LABOUR STATUTES AMENDMENT ACT

The Labour Statutes Amendment Act, amended the Labour Relations Act, the Firefighters and Policemen Labour Relations Act, the Public Service Employee Relations Act, the Public Service Act and the Liquor Control Act, and it repealed the Health Services Continuation Act. Bill 44 established criteria for determining wages and benefits under compulsory arbitration; introduced compulsory arbitration to deal with impasses in negotiations between hospitals and their employees prohibited strikes and lockouts in hospitals and auxiliary hospitals, and extended the Labour Relations Act to cover most employees of the Alberta Liquor Control Board. If a strike of hospital employees commenced, notwithstanding any collective agreement or any provisions of the Act, an employer could suspend deduction of union dues or other fees to the bargaining agent for a period of six months.

The exemption for firefighters from the operation of The Labour Relations Act was repealed.

LABOUR RELATIONS AMENDMENT ACT, (BILL 110), WAS NEVER PROCLAIMED AND SUBSEQUENTLY REPEALED.

This amendment authorized a construction union to appeal to the Labour Relations Board if a construction company created a second company that was non-unionized. If the Labour Relations Board found the "spin-off" non-unionized company sufficiently similar to the unionized company, and the employees of the non-unionized company wished to be bound by the collective agreement already in effect between the unionized company and the union, the Board may declare the two companies to be one employer for the purposes of the Act. The amendment also clarified the right of employers to communicate with employees on matters affecting their companies.

1984

EMPLOYMENT STANDARDS AMENDMENT ACT

The Act required the posting of up to $300 before an appeal could be considered. It eliminated a large majority of frivolous unwarranted appeals. It also eliminated the duplicity of appeals available if third party money was collected, and required the third party demand be for a specific amount. It clarified the priority of an employee's priority with regard to secured creditors.

1985

EMPLOYMENT STANDARDS AMENDMENT ACT

The Act extended maternity leave provisions to all employees in Alberta, including the public sector, farm workers and domestics. It confined the jurisdiction of the Employment Standards Act regarding maternity to actual leave situations, leaving general discrimination under the jurisdiction of the Individual's Rights Protection Act. It also provided flexibility to the maternity leave period before or after confinement.

INDUSTRIAL WAGES SECURITY AMENDMENT ACT

These changes to the Industrial Wages Security Act removed the requirement for employers in the coal mining industry to post security under provisions of the Act. It provided for flexibility in establishing the amount of security required to be posted by an employer in a designated industry, and finally streamlined and simplified administrative procedures.

The Bill was designed to remove the requirement for employers in the coal mining industry to comply with the Act, and provided the Minister with maximum flexibility in establishing the amount of security required to be posted. It also allowed the Lieutenant Governor in Council to declare an industry as a designated industry pursuant to the provisions of the Act.

THE INDIVIDUAL'S RIGHTS PROTECTION AMENDMENT ACT

Bill 33, the Individual's Rights Protection Amendment Act, 1985 which came into force June 5, 1985 contained three significant changes. It ensured that women could not have their employment terminated, or be precluded from training programs or opportunities for promotion, by reason only of pregnancy. Another important aspect was introduction of the "reasonable

and justifiable" concept. This change meant that discrimination would not be considered to have occurred in circumstances which were reasonable and justifiable. It also allowed for the implementation of special projects and programs designed to remove barriers to equal opportunity in Alberta. The Bill eliminated the need for formal and specific authorization of such projects. A third principle enabled the Alberta Human Rights Commission to make nonbinding recommendations to assist parties in the resolution of complaints of discrimination.

1986

THE EMPLOYMENT PENSION PLANS ACT

The Employment Pensions Plans Act, which received Royal Assent on September 18, 1986 and came into force on January 1, 1987, applied to all pension plans covering employees in the private sector. It ensured that all employees would be eligible to join an available plan after two years of employment, provided they had met a minimum earnings test, and that accrued benefits would be vested and locked in after five years of employment instead of the existing 10 years and 45 year age requirement. An employee who leaves an employer was given the option to transfer the value of his vested pension to a locked-in Registered Retirement Savings Plan, an insurance company for a life annuity, or to another pension plan. Employers were required to pay for at least 50 per cent of an employee's accrued pension in benefit plans, and pension plans were required to pay a reasonable rate of interest on employee contributions.

Employees would be assured of sufficient information on a regular basis, about their accrued pension benefits and accumulated contributions to prepare their retirement income plans.

LABOUR LEGISLATION REVIEW COMMITTEE

Immediately following his appointment as Minister of Labour late in May, 1986, Dr. Ian Reid indicated the Government's intention to thoroughly review labour legislation. This commitment was repeated in the Throne Speech of 12th June, 1986. On July 23rd, 1986 formal approval was granted to establish a Legislative Review Committee consisting of 9 members (three management representatives, three labour representatives from relevant sectors and three members from the general public), with the Minister of Labour as Chairman.

On August 1st, 1986 the make-up of the Committee was announced in the Legislature by the Minister of Labour.

Mr. Speaker:

> 'In the Throne Speech the Government gave its commitment to a full review of labour legislation, reinforcing statements made by the Premier since last fall and by myself since my appointment to the portfolio.
>
> I am pleased to announce today the formation of a broad based Committee to review labour legislation.
>
> The Committee will thoroughly consider the principles and functions of the existing legislation and will review its operation over the past twelve years. Comparable legislation in other industrialized jurisdictions will be studied to determine if there are concepts which could usefully be incorporated into the Alberta system. The Committee will travel to meet with, and learn first hand from, those who have different labour legislation. At the conclusion of this part of the process a preliminary report will be issued.
>
> I actively encourage individuals and groups or organizations to start developing their presentations forthwith, and I urge them to consider the preliminary report in the drafting of their submissions to the Committee.
>
> These submissions and any verbal statements will be presented to the Committee at Public Meetings to be held

across the province later this year. The Committee will include three individuals from organized labour, three from management, and three from the general public.

Mr. Speaker, the Committee members are:

Chairman
Honourable Ian Reid
Minister of Labour

Joe Berlando, Edmonton
Alberta Teachers Association

Budd Coutts, Edmonton
International Union of
Operating Engineers

Wallace Daley, Granum
Rancher

Michael Day, Red Deer
Commissioner of the
City of Red Deer

Sheila Embury, Calgary
Retired Professor of
Nursing and past MLA

Ric Forest, Edmonton
President, Forest Construction

Larry Kelly, Edmonton
International Brotherhood of
Electrical Workers

Bernice Luce, Ponoka
Farmer

Murray Ross, Edmonton
Celanese Canada Inc.

Mr. Speaker, the Committee is taking on a significant responsibility. I am convinced that with the cooperation of the groups and individuals who will submit presentations we can proceed with thoroughness and reasonable speed.

I anticipate that the results will indeed be responsive to the needs and aspirations of employers and employees and will represent fairly the attitudes of all Albertans.'

Appendix "A" of this report, List of Individuals and Groups the Labour Legislation Review Committee met with Internationally, outlines the countries visited and the individuals and organizations that met with an provided information to the Labour Legislation Review Committee.

The Committee is indebted to these individuals and organizations for the frank and factual approach taken in outlining the labour relations and economic climate in their respective countries and the tolerance and patience shown in answering the numerous questions asked by the Committee members.

The Committee in addition to travelling to Germany, England, the United States of America, Japan, Australia and New Zealand travelled throughout Alberta and received in excess of 290 written and verbal presentations. Without exception the Committee received well prepared and well presented briefs, some of which touched upon subjects that were not within the mandate of this Committee. In these situations the Committee undertook with the presenters' permission to forward their concerns to the appropriate department of government.

The locations in which the Committee received presentations were:

Bonnyville
Calgary
Edmonton
Fort McMurray
Grande Prairie
Hinton
Lethbridge
Medicine Hat
Red Deer

ANALYSIS OF RESPONSES TO QUESTIONS POSED IN THE INTERIM REPORT

In August and September of 1986, the Minister extended an invitation to interested individuals and organizations to provide their views and concerns to the Labour Legislation Review Committee. In addition to the responses generated as a result of this invitation, the Committee received a large number of submissions that addressed the questions set out in the Interim Report, together with presentations made at the public meetings held in various Alberta centres during November and December, 1986. Some individuals and organizations participated in more than one of these events, resulting in several briefs from one respondent.

Following are the responses to the Interim Report questions, recorded separately for employers, labour organizations, professional organizations and private individuals.

1. Other industrial relations systems provide for a high degree of recognition of employee - employer equality and respect.

DO WE WISH TO AIM FOR THIS IN ALBERTA?

IF SO, HOW CAN IT BE ACHIEVED?

Employers and employers' organizations unanimously acknowledge the need for a high degree of recognition of employee-employer equality and respect. A large majority indicate that equality and respect can only evolve through honest and frequent voluntary communications and trust. Employee-employer equality and respect cannot be legislated.

Several employers suggest true equality cannot be achieved unless unions share economic risk with the employer and generally work towards the viability and health of the business organization.

Others suggest that the government should provide legislated mechanisms using its consultative and educational processes to promote equality and respect, while some suggest the government role should be limited to provision of a framework for democratic communication.

Unions and labour organizations also unanimously acknowledge the need for a high degree of employee-employer equality and respect which can evolve only through years of honest and open exchange. It cannot be

legislated, but must be built upon fairness reflected in legislation and practice.

Some suggested that while legislation cannot be enacted to change attitudes, it can enforce a code of conduct that becomes habit forming over time.

One labour organization suggested that equality and respect could be promoted through legislated Works Councils and Quality Circles with input at the highest level, while another stated that equality and respect would be possible only when unions were considered appropriate and necessary and 25 hour lockouts, spin-offs, and lengthy strikes removed.

Professionals and professional organizations unanimously support equality and respect and suggest that it cannot be legislated but can be fostered in a positive environment. Some suggest that true equality cannot be achieved until unions are willing to share in employer risk.

Individuals unanimously acknowledge the need for and support employee-employer equality and respect. One half of the respondents consider education, cooperation, conciliation and mediation as appropriate channels. Other comments include:

- "Us and them" relationships were caused by persons not directly involved.

- Government must stop taking sides, media stop distorting the truth and all blaming workers for the mismanaged economy.

- Establish one plant/industry - one union.

2. **Other industrial relations systems provide for a high degree of Free Collective Bargaining.**

DO WE HAVE FREE COLLECTIVE BARGAINING IN ALBERTA?

IF NOT, WHAT CHANGES WOULD BE NECESSARY TO ACHIEVE IT?

Employers and employers' organizations acknowledge with a large majority that Alberta has a high degree of free collective bargaining

except in the public sector/essential services where restrictions are necessary.

One contractors association suggested that no changes should be made except for greater effort by the Attorney General's Department and the Courts to ensure that the parties conduct themselves within the limits established by statute and common law, and the Criminal Code, while another suggested that employers should be permitted to maintain operations during a strike.

Unions and labour organizations felt with a majority that there was no free collective bargaining in certain areas of public sector and health care, or among police and firefighters, as items for negotiation were restricted and further restrictions imposed on arbitration, especially section 117.8.

Some building and construction trades unions suggested that collective bargaining had ceased to exist in the construction industry due to spinoffs, 25 hour lockouts and union's inability to represent the membership.

Professionals and professional organizations consider collective bargaining to be free except employees covered under the special legislation.

Individuals by one half consider collective bargaining not to be free because of the use of media, courts, lockouts, boycotting of products, use of outside advisers, targetting on one organization, and the use of government legislated criteria.

3. **Other industrial relations systems permit bargaining to be done collectively and individually.**

IN ALBERTA, ARE THE INDIVIDUAL'S RIGHTS TO BARGAIN ADEQUATELY PROTECTED?

IF NOT, WHAT SHOULD BE DONE?

Employers and employers' organizations indicated with a majority that the individual's rights to bargain were not adequately protected.

Several employers cited various barriers to individual bargaining

including compulsory site agreements, union affiliation clauses, work jurisdiction clauses, work preservation, union label provisions, closed shop, hot cargo and refusing to handle.

Some suggested that quick cease and desist orders with severe penalties should be included in the legislation.

Unions and labour organizations indicated by one half that the rights of individuals were adequately protected.

Several construction trades considered individual bargaining to be a tool for exploitation and that the individual has no bargaining rights without collective action, and that in the absence of a closed shop, the Rand Formula should be used to prevent free riding.

One union suggested individuals' rights should be protected without violating the right to freely associate and another considered individual bargaining to be chaotic.

Professionals and professional organizations with a large majority acknowledge that the individuals' rights were being protected. The group cited union voting on contract proposals as an exception and suggest the adoption of the Ontario Labour Relations Act, section 72 requiring secret ballots for all employees.

Individuals acknowledge by one half that the rights of individuals were protected. Others cite compulsory union membership as an obstruction.

4. **Other industrial relations systems provide for strong communications which are necessary to a good relationship.**

ARE THERE RESTRICTIONS TO THIS PROCESS IN ALBERTA?

HOW CAN IMPROVEMENTS BE ACHIEVED?

Employers and employers' organizations unanimously acknowledge the need for strong communication which cannot be legislated. A large majority suggests that there were no restrictions on communication except when self-imposed by the parties. A large majority suggests that the right of the employer to convey factual information or reasonably held opinions should be provided in the legislation and

clarified by the Labour Relations Board.

Unions and labour organizations acknowledge with a majority the need for strong, full and frank communication through unions rather than individuals. Existing restrictions have resulted from the adversarial system.

Several unions suggested that the employers' concern with strong communication was merely an effort to obtain the right to deal with a captive audience.

According to one union Quality Circles and Works Councils would facilitate the process of communication, and others suggest the establishment of labour-management committees for enterprises with 25 employees or more.

Some unions suggest that the Conference Society of Alberta be considered a model for communication.

Professionals and professional organizations unanimously agreed there were no restrictions on communication and that communication cannot be legislated.

Individuals, by a majority, acknowledge that there were no restrictions on communication.

5. **Other industrial relations systems have achieved a commonality of socio-economic interest of government, union and employer groups through a high degree of respect and communication between and among the three parties.**

IS THIS LACKING IN ALBERTA?

IF SO, WHAT CAN BE DONE TO IMPROVE IT?

Employers and employers' organizations acknowledge with a large majority the need for a commonality of interest. A majority consider such interest to be lacking in Alberta. Others believe that necessary mechanisms were already in place and the commonality of interest could be promoted through voluntary awareness programs, identification of common interest, better education and the lessening of adversarial attitudes and tripartite structures. Use of legislation was not favoured.

Unions and labour organizations acknowledge with a majority that commonality of interest was lacking, and that common ground should be found. Government should facilitate the process. Good communication evolves through both honest exchange and formal tripartite systems.

Professionals and professional organizations acknowledge by one half that there was no need for government involvement as the commonality of interest already exists, but some considered commonality of interest lacking and suggested that the government should provide leadership as it did with the White Paper on the economy.

Individuals acknowledge by one half that the commonality of interest was lacking because the government was partisan. One respondent suggests that civility cannot be imported due to "dog eat dog" mentality.

6. **Other industrial relations systems provide for a formal mechanism whereby senior representatives from union federations, employer federations and government meet on a monthly basis to deepen their mutual understanding of their respective responsibilities.**

IN ALBERTA, DO YOU SEE A NEED FOR A SIMILAR FORUM?

IF SO, HOW DO YOU SEE IT CONSTITUTED?

Employers and employers' organizations support with a large majority the need for formal tripartite mechanisms on a voluntary basis without any number of specified meetings. Employers generally believe that the tripartite body must have sufficient resources, professional assistance, authority and commitment and its tasks should include developing a common data base, and review of legislation and regulations.

Some suggested tripartite financing as it would facilitate the creation of "ownership of work" attitudes within the tripartite organization.

Various suggested tripartite mechanisms include: Local Elected Councils, Quality Circles, Works Councils and other problem solving techniques. One association suggested a Japanese type Productivity Centre or a Roundtable Conference to provide regular reports on the state of economy, while another suggested that facilitation of the

tripartite forum should be turned over to a neutral highly skilled group.

Another considered the cost of a tripartite mechanism prohibitive and as such unlikely to be effective.

One contractors association suggests that the membership of any tripartite body should include 75% non-unionized employees.

One employer suggested that any tripartite system would not succeed until employers accept unions as legitimate entities.

Unions and labour organizations unanimously support tripartite forums.

One group suggested a tripartite council with representatives from employers, employees, government and public under the chairmanship of the Minister of Labour. Such a council should meet quarterly to review the economic situation and make recommendations, and another suggested increased funding of the Construction Industry Advisory Council of Alberta (CIACA) and establishment of equivalent councils in other major sectors in the economy.

One construction union suggested that mechanisms like the Conference Society of Alberta and IBEW Council on Labour Relations in the U.S. and CIACA (which could be made workable with major changes in players) should be examined as models.

Professionals and professional organizations support with a large majority the tripartite concept.

Individuals support with a very large majority the tripartite forums. Only one respondent opposed the tripartite forums as adequate arrangements were in existence and another suggested that the costs should be shared equally between employer and employees.

7. **Other industrial relations systems provide for a high degree of multiple level consensus development, involving employees and employers, unions and management.**

DO YOU THINK THAT IT IS VALUABLE TO DEVELOP MUTUAL UNDERSTANDING THROUGHOUT AN ORGANIZATION?

IF SO, HOW DO YOU THINK THIS CAN BE ACHIEVED?

Employers and employers' organizations acknowledge with a large majority the need to develop mutual understanding throughout an organization but they do not support any legislated efforts. Other suggestions for voluntary efforts include: government provided timely information; genuine cooperation; government provided framework, education, training and mediation; Quality Circles; joint union-management committees; team building, joint or common training programs; communication; and understanding of owner, employee, management and customer interdependence.

One major employer indicated that it was already using joint union-management committees to confer and design safety, employee assistance and other programs. Another opposed legislated committees.

Another considered tripartite forums an expensive "boondoggle" if not carefully handled, and suggested participation should be voluntary and the infrastructive financed by the participants.

Unions and labour organizations acknowledge unanimously the need for tripartite mechanisms in consensus building.

Some suggested tripartite forums should not be dominated by any party and should operate independently; joint labour-management forums should be legislatively mandated and contained in collective agreements. A levy on each employer and employee like the U.I., CPP and the Workers' Compensation could fund the tripartite forums.

Professionals and professional organizations support unanimously the concept of consensus building but emphasize that it has to be developed through education and not legislation.

Individuals support with a large majority the concept of multilevel consensus building efforts.

8. **Other industrial relations systems provide for a strong commitment to increasing productivity, and base a significant part of their wage structure on how successfully the enterprise increases its' productivity.**

IN ALBERTA, DO YOU THINK THAT PRODUCTIVITY SHOULD BE A CENTRAL FOCUS OF THE INDUSTRIAL RELATIONS SYSTEM?

IF SO, HOW CAN THIS BE ACHIEVED?

Employers and employers' organizations unanimously support productivity as a central focus of the industrial relations system in response to free market forces.

To one major employer the term productivity meant better quality products, more efficient business and high quality of worklife for all involved. There must be a collective will to increase productivity. Another suggested public sector wages must follow the private sector.

One contractors association suggests that cushioning people from their decisions should be avoided and that productivity cannot always be rewarded due to falling prices.

Unions and labour organizations by a large majority do not consider productivity as a central focus of the industrial relations system.

General public sector unions supported the linking of productivity with wages but considered such application to be difficult in agriculture and other occupations, particularly in the public sector.

One union suggested the CIACA recommendations on cost effectiveness for construction industry, if successful, should be duplicated in other areas: quality of life, productivity, human responsibility, creativity and job training.

Another suggested quality and safety should also be considered a part of productivity.

Professionals and professional organizations support productivity by a large majority as a vital component of the system and indicate that it should not be legislated.

Individuals unanimously consider productivity increases to be a goal but cite two obstacles to productivity increases; inadequacy of

legislation and obsolete equipment. One respondent specifically suggests that productivity cannot be increased unless unions participate in risk taking.

9. **Some industrial relations systems legislate the use of Compulsory Binding Third Party Arbitration in private sector disputes, while others do not.**

WHAT SHOULD BE DONE IN ALBERTA?

Employers and employers' organizations unanimously oppose compulsory binding third party arbitration in the private sector and consider it to be more appropriate for public sector/essential services.

Unions and labour organizations by one half support binding arbitration.

Some suggested that compulsory binding arbitration in Alberta was politically tainted in favour of the government, and that an Independent Industrial Relations Dispute Resolution Court (modelled after the Court of Queen's Bench) should be established to deal with public and private sector disputes.

Two unions opposed compulsory arbitration on the grounds it indicates a failure of the system, while another supported compulsory arbitration for some occupations but emphasized that it should not be limited or restricted.

Two large unions supported binding settlement after a period of 3-6 months of strike or lockout.

A major industrial union supported compulsory arbitration where one party refuses to negotiate or a settlement was not reached.

Professionals and professional organizations oppose by a majority compulsory binding arbitration as inappropriate for the private sector.

One group suggested that a six month strike or lockout situation should be reviewed by a panel (or the Labour Relations Board) to decide if the matter should go to binding arbitration.

Individuals oppose compulsory arbitration by a large majority. One brief supports it if no settlement was reached within 3 to 12 months.

10. **None of the foreign jurisdictions have separate industrial relations legislation for the Construction industry although its unique nature was universally acknowledged.**

SHOULD ALBERTA INTRODUCE A SEPARATE STATUTE FOR THE CONSTRUCTION INDUSTRY?

Employers and employers' organizations oppose by a large majority the need for a separate statute for the construction industry. However, they suggest that its unique nature should be addressed within the Labour Relations Act.

Unions and labour organizations also oppose by a large majority the need for a separate statute for construction industry. Only one union supported a separate construction industry statute.

Professionals and professional organizations also oppose by a majority the need for a separate statute for the construction industry.

Individuals also oppose by a large majority the need for a separate statute for the construction industry.

11. **Other jurisdictions vary in their use of a legalistic approach to industrial relations.**

IS THE INDUSTRIAL RELATIONS SYSTEM IN ALBERTA BECOMING TOO LEGALISTIC?

IF SO, WHAT CAN BE DONE?

Employers and employers' organizations by a large majority consider the Alberta industrial relations system to be too legalistic. They provide two reasons for this situation: arbitrators are guided more by the rules of evidence and precedent, and the legislation and regulations have become too complex. They also suggest that since legal measures cannot solve economic issues the legislation and regulations should be simplified, forums established and educational programs and multiparty groups fostered.

One contractors association suggested the system is dominated by legal professionals; large conglomerates have become depersonalized, and court precedent decisions have created an untenable system for small operators. It suggests that a non-judicial body should be appointed to adjudicate the differences on merit with final appeal to the Labour Relations Board.

Unions and labour organizations by a majority consider the system to be too legalistic.

One union suggested that appeals from Labour Relations Board decisions should be tightened except those on grounds of being ultra vires or in contravention of natural justice. It also suggested that practitioners rather than lawyers should be encouraged in the process.

Another suggested that the legal profession should be barred from active participation in the grievance/interest arbitration process, and further suggested severe penalties to discourage bad faith bargaining.

Professionals and professional organizations by one half consider the system not too legalistic. They suggest that the lawyers are more involved because the arbitrators are using more rules of evidence and precedent, the statutes and regulations have become more complicated, and there are indications of a breakdown in the labour relations system.

Those who do not consider the system too legalistic suggest that it is being used by the unions to blame the employers for the economy.

One professional association suggested that the Labour Relations Board should be expanded and more practitioners involved in the process.

Individuals by a large majority consider the system to be too legalistic; one considers it necessary as loopholes exist in the legislation.

12. **Other jurisdictions strongly emphasize the education of union and management personnel in the workings of the industrial relations system.**

WOULD INCREASED CONCENTRATION ON THIS AREA BE BENEFICIAL IN ALBERTA?

IF SO, HOW SHOULD IT BE DELIVERED?

Employers and employers' organizations acknowledge unanimously the need for a strong emphasis on union and management education and consider such concentration to be beneficial. It should be voluntary.

One contractors association considered education programs to be necessary to break down excessively adversarial attitudes. These programs must be jointly designed, voluntary, government provided and subsidized, and jointly attended by union and management together.

On the other hand another employers' council suggested that education should be left to the parties. Educational pursuits are voluntary and cannot be legislated. It is difficult to import foreign socio-economic systems.

One major employer suggested that unions and managers should invite each other for their training courses. Training should be delivered in schools, be voluntary and should not result in increased employer costs. In addition, education should commence at school level.

Unions and labour organizations by a large majority support union-management education.

One union suggests the provision of developing and delivering education programs could be given to the tripartite council, and another suggests government should assist financially and organizationally to establish joint training programs through informal seminars and other courses in cooperation with the universities. The government should establish Labour Education grants.

Professionals and professional organizations unanimously support union-management education, but a large majority suggest that it should not be legislated nor publicly funded.

Individuals support by a large majority the union-management education by jointly designed/approved seminars, use of minimum legal professionals, paid leave for attendance and courses for schools.

13. **Other industrial relations systems provide for effective preventative conciliation and mediation services.**

DO YOU THINK THE SYSTEM IN ALBERTA ADEQUATELY MEETS THE NEEDS OF THE LABOUR RELATIONS COMMUNITY?

IF NOT, WHAT WOULD YOU SUGGEST BE DONE TO IMPROVE THE SYSTEM?

Employers and employers' organizations acknowledge by a majority that conciliation and mediation services are adequate. Those who consider them inadequate or needing improvements make the following suggestions:

- Upgrade abilities, skills and proficiency of practitioners;
- Support education;
- Reintroduce compulsory conciliation and cooling off period;
- Attract competent practitioners;
- Encourage preventive mediation;
- Make available private mediators for high profile disputes;
- Unfortunately disputes are diagnosed after the fact;
- Mediators are born rather than made.

Unions and labour organizations suggest by a large majority that the system is inadequate.

Some building trades suggest that the mediators have no ability to do anything other than 'chat'. Mediation should be an option for both parties without being mandatory.

Many suggested the reintroduction of conciliation structures with stronger legislation for mediators to make reports.

Professionals and professional organizations acknowledge by one half that the system is adequate, with reintroduction of a conciliation-mediation system prior to a strike or lockout with conditions of employment frozen until a strike or lockout.

Individuals acknowledge by one half that the mediation system is adequate and those considering it inadequate cite the following reasons: it commences too late, it lacks a conciliation system, and lacks actual experience of mediators.

14. **Other industrial relations systems have varying degrees of Government involvement in the collective bargaining process.**

IN ALBERTA, IS THE GOVERNMENT TOO INVOLVED IN THE PROCESS?

IF SO, HOW CAN ITS ROLE BE DECREASED?

Employers and employers' organizations by a majority do not consider the government to be too involved.

One major employer suggested that the role of government be restricted to education, tripartite forums and conciliation-mediation and another suggested the Alberta Labour Mediation Branch should be continued, the Labour Relations Board delegalized and provided with final authority and that no financial assistance be provided to any corporation.

Some suggested that the increase in government involvement has been due to a lack of personal responsibility being accepted by individuals.

Unions and labour organizations by a majority are critical of the government role, suggesting that government attitudes have been inconsistent, confusing and leading to an employer attitude of doing away with legislated rights of employees.

One union suggested that the government had been overly active with regard to nurses, teachers and its own employees, and another that the question is not more or less government involvement but its proper role to enhance the wellbeing of society as a whole by producing cooperation, mutual respect, proper education and adequate dispute resolution procedures.

One major industrial union suggested that government involvement had been inconsistent, intimidating and unfair. More authority should be given to people outside of the government after rules had been established.

Professionals and professional organizations consider by one half the government involvement to be adequate and suggest that its role should be restricted to mediation and provision of sufficient data.

Individuals by a large majority consider that government had not been too involved and its role had been adequate.

Conclusion

This analysis indicates that there is agreement among employers, unions, professional organizations and private individuals in their response to the principles expressed in the questions. Their consensus is greatest on questions one (employer-employee equality and respect); six (need for formal tripartite consultations); seven (mutual understanding throughout the organization); and twelve (need for union and management education). However, different views on the causes, problems and solutions involved in the operation of the current Alberta industrial relations system are found. As well, there are differences of opinion as to whether solutions should be legislated.

GENERAL INPUT FROM ALBERTANS

A. OVERALL PATTERNS

The briefs expressed a wide variety of views on a large number of issues, and there was great variation among employers, labour organizations, professional organizations and individuals in addressing these issues. Owing to the unstructured nature of these responses, a precise analysis of the degree of consensus or disagreement on the issues identified was difficult.

In terms of general trends, a significant number of labour organizations, professional associations and private individuals supported a ban on the hiring of replacement workers during a strike or lockout. This finding also applies to employer initiated lockouts and spin-off employers. By contrast, employers and employers' organizations insisted on their right to hire replacement workers to maintain their operations and use lockouts and spin-offs as a means to obtain terms and conditions of employment more favourable to the enterprise.

Mutual respect and understanding for each other's role in the labour-management relationship, the need for tri-partite consultations, improved union and management education have engendered some consensus among the groups in their response to the Committee's Interim Report. There appears to be considerable agreement that separate legislation for the construction industry is not necessary.

Employers and employer organizations generally express satisfaction with the present legislative framework whereas the vast majority of labour organizations feel that present legislation requires improvement. In addition, a fairly large proportion of professional organizations and private individuals are sympathetic to the cause of labour with respect to the major issues identified in the briefs.

Only a few submissions suggested innovative approaches to legislative change, such as encouraging greater employee participation in management and the study of organizations successful in establishing and maintaining good labour relations. The observations and recommendations contained in the majority of briefs appear to support housekeeping changes designed to create more harmonious labour relations within existing institutional arrangements.

B. GENERAL POLICIES SUPPORTED BY PARTICIPANTS

Input from Albertans indicates that there are four general policy concepts which are widely supported.

(i) Albertans support continued maintenance of comprehensive employment standards which ensure fairness and protection for all employed Albertans. Standards are expected to be contemporary, easily understood, and structured so that employers and employees are both aware of the rights and obligations which accompany the employment relationship.

(ii) Albertans support the system of free collective bargaining as the best mechanism for determining terms and conditions of employment, where employees voluntarily choose to act in concert through a bargaining agent. State dominated mechanisms such as extensive use of compulsory arbitration are not considered appropriate.

(iii) Albertans support the principle that ongoing or direct government involvement in the employee-employer relationship must be minimized. Employees and employers are best able to determine the nature of their relationship in the context of the market environment of the particular enterprise. The flexibility and adaptability needed to cope with changing market conditions can only be sustained at the level of the firm.

(iv) Albertans support a limited role for labour relations solutions imposed through judicial interpretation of labour law. The capacity to resolve disputes arising in the labour relations system is best left with an informed and credible quasi-judicial tribunal such as the Labour Relations Board. Those most directly affected by the labour relations system, employers and employees, must be able to understand and directly participate in the resolution of disputes.

C. SPECIFIC MAJOR CONCERNS

In addition to general policy issues, Albertans also raised a number of specific concerns for particular attention by the Committee.

(i) Employers and employees recognize that effective labour

relations evolves, fundamentally, from ongoing and frank communication between employers and employees. Albertans consistently identified encouragement and facilitation of communication as a major concern.

(ii) In a complex and rapidly changing environment such as recently experienced by Albertans, labour relations is a complex, stressful and critical activity. Employers and employees recognize that those responsible must understand the system, and have the capacity to seek creative solutions to new and difficult problems. Ongoing education of participants, and provision of relevant and timely information to them, were viewed as major concerns.

(iii) For several reasons the number of part-time workers in Alberta is rising significantly. Employees and trade unions repeatedly raised the issue of availability of benefits and application of standards to this group of workers. It was argued that legislation does not fully address the particular needs of these workers and that changes are needed to ensure that standards for, and benefits available to, full time workers are fairly pro-rated for those working on a regular part-time basis.

(iv) The use of replacement workers during a strike or lockout was consistently identified as a major concern, though views differed widely on choices available to employers. Employers generally held that no restrictions should apply, while employees and trade unions felt prohibition or restrictions of various kinds should apply.

(v) Lockouts have not occurred often. Legislative provisions governing this practice have existed for some time with little comment from system participants. Employer use of this mechanism to confirm termination of a collective agreement has been identified as a concern, particularly in connection with the construction industry. Employers argue that no agreement can continue indefinitely and that under some circumstances a lockout is the only means of agreement termination. Employees and trade unions hold this practice to be an unacceptable unilateral action by the employer, which is not in keeping with productive labour relations. Albertans consistently asked the Committee to consider this issue.

(vi) Critical to the labour relations system is the process through which employees choose whether to be represented by a union, commonly known as the certification process. Employers and employees consistently asked the Committee to ensure the process is simplified, and that legal and procedural barriers to a timely expression of employee preference be limited.

(vii) Corporate restructuring in the construction industry, more commonly called "spin-offs", was consistently identified as a major issue. As in the lockout circumstances, existing legislation has remained unchanged for years and does not differ significantly from that found elsewhere in Canada. This practice arose during the dramatic downturn in construction activity. Employees and unions hold it to be an attempt to avoid responsibilities under a collective agreement; employers consider it to be a necessary response to a rapidly dwindling construction market.

(viii) The bargaining structure in the construction industry, established through the registration system, was implemented at a time of high activity in the industry. Employers and employees expressed doubts about the capacity of this system to cope with periods of declining activity such as that recently experienced. Although few suggestions for specific changes were made, a level of concern was clearly evident.

(ix) Strikes and lockouts are not permitted during the term of a collective agreement. Disputes over the interpretation or application of the collective agreement are resolved through the grievance procedure outlined in the collective agreement, culminating in arbitration if necessary. Employers and employees consistently voiced concerns over the costs, time delays and complexity of arbitration. It was argued that the process should provide a timely, straightforward mechanism for dispute resolution, that it no longer does, and that serious consideration must be given to making changes.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS AND RECOMMENDATIONS

The well prepared and presented briefs received from all sectors of Alberta's economy, labour, management and the public at large, supported by the extensive contributions from the jurisdictions visited and noted in the Interim Report, have provided the Committee with the material required to conduct a thorough review of Alberta's existing labour legislation.

The conclusions drawn and recommendations contained in this portion of the Report provide a legislative framework that is both fair and reasonable for all Albertans and are intended to support the long term needs of this province. The Committee, in making its recommendations, has looked ahead at the needs of this province into the 21st Century thus steering away from short term concerns and solutions. The result is a package of recommendations to improve our system as a whole rather than a series of separate and discrete items.

In order to provide a balance in the labour relations framework, and not simply rely on legislation alone, a number of the recommendations look toward establishing support mechanisms found in other countries but generally lacking in Canada and Alberta. These mechanisms will draw upon the expertise which is known to be in this province. The end result will be a healthier labour relations climate for all of us to enjoy.

A. LEGISLATION

In Alberta, the Labour Relations Act and the Employment Standards Act currently establish the labour relations framework. At the public meetings across Alberta the need was expressed for an effective method of providing employees and employers with the facts on Labour Law, clearly setting out what the Law is and how it is administered.

The Committee is recommending a number of significant adjustments to the existing Alberta Labour Legislation. Most of the concepts contained in this report could be incorporated into the present statutes; however, for clarity and understanding, the reorganization and streamlining of the statutes would be better accomplished if incorporated into one Act.

Both in Alberta and in other jurisdictions, the Committee inquired repeatedly about the specifics of labour relations in the construction industry. It became apparent that there is no need for a separate statute and that the specific requirements of this industry should be

addressed appropriately within the statute.

By presenting a new Act, written in straight-forward language, clearly delineating a philosophy through a preamble to the Act, and setting out the basic requirements for employee-employer relationships, the Committee believes that Alberta can be at the forefront of Labour Legislation across Canada and provide for a stable labour climate that can meet head-on the challenges of the marketplace into the twenty-first century.

Recommendations:

1. That one new Alberta Labour Code be enacted which combines the Labour Relations and Employment Standards Acts.

2. That the Code have a preamble supportive of the following principles:
   - That labour relations functions in a competitive market economy;
   - Fairness and equity;
   - Open communications;
   - A commonality of interest;
   - The rights of the employee and the employer;
   - Free collective bargaining.

3. That the Code have a part that sets out the employment standards for an employee-employer relationship.

4. That the Code have a part that sets out the collective bargaining process, the functions of the Labour Relations Board, dispute resolution processes and provisions for enforcement.

5. That provisions necessary for the particular needs of the construction industry be dealt with in the various parts of the Code rather than in a separate part.

B. COMMUNICATIONS

Albertans clearly expressed a desire to understand better the rights and responsibilities of employees, trade unions, employers and employers' associations. Leadership on the part of government is necessary to establish the framework in which Albertans can strive to meet the challenges that lie ahead with a commonality of interest and understanding of their role in the international market.

The Committee had a unique opportunity to meet with the participants in, and see first hand, some of the labour relations systems that operate in the western world. Two of the most stable labour relations systems are those of Japan and West Germany. Both of these countries have demonstrated clearly to their citizens, and to the fiercely competitive international marketplace, that a positive labour climate is fundamental to a successful society, and within that society the competitive enterprises that employ millions of workers. Economic challenges such as the oil crisis and major shifts in product lines have produced massive redundancies and labour adjustments. Productivity enhancement has surfaced as a key building block in the labour equation. Throughout the systems in Japan and West Germany strong lines of communication, which foster respect and create a commonality of interest through consensus building, are clearly evident and should be adapted to the Alberta environment.

Recommendations:

6. That all employers be required to post 'employee information bulletins' on employment standards as supplied by the Department of Labour. This requirement should be developed in a manner sufficient to inform employees adequately and not be unduly onerous for employers.

7. That at the request of the employees, the trade union or the employer, all enterprises having twenty or more employees establish a joint employee-employer communication process to discuss matters that affect their relationship.

8. That guidelines set out the parameters of the communications so that there is no interference with other rights and responsibilities of employers, employees and trade unions.

9. That the Department of Labour develop an information program to assist enterprises in implementing the joint communication process.

C. EDUCATION

Knowledge of the principles and the processes is an objective that employees and employers have indicated is vital in establishing and maintaining a successful framework for a labour-management relationship.

This objective, while universally accepted, is not easily accomplished.

Accepting the principle that persons entering the workforce must understand their rights and equally their responsibilities in order to establish and maintain a successful relationship, the educational process must commence prior to their entering, and be continued after their becoming a part of, the workforce. By increasing the knowledge of all the participants, the need for government intervention will naturally decrease.

Recommendations:

10. That the Department of Labour work with the Department of Education to develop an instructional brochure on the rights and responsibilities of working in Alberta. This brochure should be geared to senior high school students and be provided yearly through the schools.

11. That the Department of Labour seek the cooperation of other agencies to ensure that a program is established to enhance the training of labour relations practitioners.

12. That the government encourage existing, or establish new, joint labour-management organizations to strengthen communication and understanding among the participants.

13. That an ongoing plan be undertaken by the Department of Labour to inform Albertans of their rights and responsibilities through such means as newsletters and a speakers' bureau.

D. INFORMATION BASE

The Committee's studies of other jurisdictions both within and outside Canada revealed the tremendous advantage to Japanese labour relations of a socio-economic information base that is universally accepted and of the highest quality.

Although this information base may appear to be primarily of use in economic planning, when combined with the communication and education processes it directly aids development of a stable labour relations environment.

The Japanese Government contributed to the initial funding of the JAPAN PRODUCTIVITY CENTER, an organization of labour, management and academia, but the ongoing operation of the center is without direct government

financial assistance. In discussions with government, labour, management and academic groups in Japan, the existence of a reliable information base was repeatedly mentioned as crucial to the success of their labour relations.

One other concept that the Committee noted in its visit to Japan was the Round Table Conference. This Conference, composed of top-level officers from business, trade unions, the media, the general public and academic circles, is chaired by the Minister of Labour. There are other systems in existence but none appears to be so highly developed, so universally accepted or so influential as the Japanese model.

As a highly successful forum for the development of mutual respect, the Committee believes that an adapted Conference Society of Alberta would be beneficial.

Recommendations:

14. That a multi-sector organization be established that has representation from labour, business, and academia. This organization should be charged with the responsibility of generating and providing to the stake-holders current analytical data that would assist the labour-management participants in undertaking their duties.

15. That an organization similar to the Japanese Round Table Conference be developed in Alberta.

E. EMPLOYMENT STANDARDS

The minimum standards that set out the basic rights and responsibilities for all employees and employers in the Province are presently found in the Employment Standards Act. This statute was separated from the Labour Relations Act in 1980. At the public meetings it became apparent that there is a lack of knowledge of the contents of the Act and more seriously, people were not sure of the processes available to resolve their problems.

Since 1888, when the first Ordinance Respecting Masters and Servants was enacted, governments have stated they believe it is fundamental to a free society that a minimum set of rules be established for the employee-employer relationship. These rules are required, not to restrict the normal employee-employer relationship, but to set a base for

the terms and conditions of work, and have been adjusted and added to as community standards have changed. It has been a number of years since a major review of these rules has taken place.

The Committee believes that a review should be undertaken immediately with particular reference to the following specific recommendations. The Department of Labour in conducting this review should ensure that the Government's policy on regulatory reform is followed.

Recommendations:

16. That the Code address the question of wage priority through the concept that wages and benefits are due to the employee on a daily basis. Wages and benefits are to be in a 'deemed trust', and therefore are not to be considered assets for the purposes of receivership, bankruptcy or other default of the employer.

17. That the minimum wage rate be reviewed on a regular basis and adjusted when necessary.

18. That the definition of wages be clarified to permit productivity based wage rates.

19. That hours of work, overtime, breaks, time-off, paid vacations and the general holiday pay provisions be regularly reviewed to determine if the existing regulations are suitable.

20. That proposals for a compressed work period be permitted if there is approval by vote of the majority of employees at a worksite.

21. That overtime agreements not be a condition of employment.

22. That the Code set out the rules for regular part-time work, and in particular, the provision of applicable pro-rated benefits.

23. That in the case of voluntary plant closures, notification to the Government be required in order that employees and employers might be made aware of existing government employment programs.

F. COLLECTIVE BARGAINING PROCESS

Throughout the industrial world it has been demonstrated that the most

successful agreement that can be reached is one freely bargained between the parties.

The vast majority of Albertans' presentations to the Committee strongly supported the continuation and enhancement of the free collective bargaining process. This confirmed the conclusion reached by the Committee after visiting Australia and New Zealand, that the introduction of universal binding arbitration is counterproductive as it militates against true collective bargaining. On the other hand in situations where strike or lockout are not permitted it is a necessary alternative.

In Alberta, the vast majority of collective agreements are reached without constant reference to legislated rules. Rather, the existing framework accommodates the maturity of the parties who are bargaining.

After considering the presentations of many Albertans on all aspects of the collective bargaining process, and bearing in mind the information obtained on the reasons for the successful processes in West Germany and Japan, the Committee wishes to present a package of recommendations setting the framework for collective bargaining.

Paramount to the process of collective bargaining is that it be conducted in good faith by both parties and in so doing they expend the maximum effort necessary to achieve a collective agreement at the bargaining table. Strike and lockout, while remaining a part of this process, are not seen as constructive methods of achieving a collective agreement in modern society. Countries such as West Germany and Japan have demonstrated a level of maturity in collective bargaining where strike or lockout are seldom used as a method of dispute resolution.

The notice period has been expanded to provide a greater time frame to achieve a collective agreement before termination of any existing agreement. Bargaining proposals must be presented in writing and exchanged between the parties prior to the commencement of collective bargaining or during the first bargaining session. To ensure that what is taking place at the bargaining table is being properly disseminated to those employers and trade union locals affected, they must be involved with the bargaining process at all times. To guarantee that both parties are properly informed either party to the process can request that a vote be conducted on the last offer presented. A vote of this nature can be requested by each party only once during the bargaining process.

The theme that flows throughout these recommendations is that good faith

bargaining must occur, that a minimum of 60 calendar days of negotiations take place, and that the conciliation process be completed before the parties are permitted to resort to strike or lockout.

Recommendation:

24. That the Collective Bargaining Process be as follows:

    a) 60 to 120 calendar days prior to the expiry of the collective agreement, notice to commence bargaining would be served.

    b) Within 30 calendar days thereof:

        - lists of authorized participants, with alternates, would be exchanged;

        - total packages of all proposals would be exchanged in writing prior to, or at, the commencement of negotiations.

    c) Additions to the package could be made only by mutual consent and adjustments permitted only within the package.

    d) The employer(s) and trade union local(s) should be involved at all times.

    e) Upon application to the Labour Relations Board at any time following the exchange of proposals either party could demand that a vote be taken on its last offer. The results would be exchanged and acceptance binding on the parties. Each party would be permitted only one of these votes during any round of collective bargaining.

    f) If a collective agreement does not include a bridging clause, it would be deemed to include bridging to the commencement of a strike or lockout.

    g) Mediation would be available upon the request of either party.

    h) After 60 calendar days of bargaining without reaching an agreement:

        - the parties could mutually go to conciliation on any outstanding items;

- either party could request that conciliation be implemented;

- the Minister could direct that conciliation be implemented.

i) Conciliation would consist of a single officer or a conciliation board. Conciliation would be undertaken within strict timeframes. A conciliation officer would be required to issue a report with recommendations, a recommendation to establish a conciliation board, or issue a report with no recommendations. A report with recommendations would be placed before the parties, a vote would be conducted and approval binding on the parties. Conciliation would not be permitted until 60 calendar days of bargaining has occurred. Following the conclusion of conciliation a 14 day 'cooling-off' period would be imposed.

j) Only after the completion of conciliation could either party request that the Labour Relations Board supervise a strike or lockout vote, with the results released to both parties. The ballot result would be valid for 90 days. If no strike or lockout has occurred within that period, then a new strike or lockout ballot would be required prior to serving notice.

k) A formal notice setting out place, date and time for the strike or lockout must be provided at least 72 hours prior to strike or lockout.

G. CONTINUING EMPLOYEE/EMPLOYER RELATIONSHIP DURING AND AFTER A STRIKE OR LOCKOUT

Currently the Labour Relations Act states in Section 1 subsection (2):

> "No person ceases to be an employee within the meaning of this Act by reason only of his ceasing to work as a result of a lockout or strike or by reason only of his dismissal contrary to this Act."

It further states in Section 137 subsection (3) "no employer or Employers' Organization and no person acting on behalf of an employer or Employers' Organization shall

> (a) refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because the person

(vi) has participated in any strike that is permitted by this Act, or

(vii) has exercised any right under this Act;"

These concepts clearly state that a person who participates in a strike or a lockout continues to be an employee of the employer.

During the public hearings the Committee heard a number of representations on the question of replacement workers. In another section of this report the Collective Bargaining Process has been outlined. The Committee is of the opinion that adoption of this process will lessen the need to use the strike or lockout. While the Committee has rejected the suggestion that replacement workers be prohibited, it has recommended that the behavior of the parties influence the gross pay that an employer can offer to replacement workers.

Recommendations:

25. That the existing provisions of the Labour Relations Act as stated above be combined into a definitive statement and highlighted as a separate section of the Code to assure striking or locked-out workers their right to their jobs.

26. That replacement workers be temporary for the duration of the strike or lockout.

27. That replacement workers be paid an amount equivalent to wages and benefits contained in the last collective agreement if the employer has been found to have negotiated in 'bad faith'.

H. PICKETING

It is recognized that the freedom of employees to picket their place of employment during a strike or lockout is basic to the free collective bargaining system.

Picketing should address two purposes: to inform the rest of the population of the strike or lockout with or without the reasons as seen by the employees, and peacefully try to dissuade others from entering the worksite.

The Committee heard several recommendations that matters relating to any problems with picketing should come under the jurisdiction of the Labour

Relations Board rather than that of the courts.

The Committee considers that with the other proposals in this report there will be fewer strikes and lockouts but that when they occur the following recommendations would apply.

Recommendations:

28. That picketing at the place of employment by employees and members of the trade union on strike or subject to a lockout be under the control of the trade union. Picketing shall be only for the purposes of information and peacefully trying to dissuade others from entering the place of employment.

29. That the existing section of the Labour Relations Act on picketing be retained, with the phrase "and anyone authorized by the trade union" removed.

30. That the initial determination of place of employment and numbers of pickets be under the jurisdiction of the Labour Relations Board. They would be required to hear and rule on the matter within 48 hours. If a dispute arises following the initial decision by the Labour Relations Board on the place of employment and the numbers of pickets, the employers or the trade union would have full access to the courts on all matters, including determination of place of employment and numbers of pickets.

31. That professional strike-breakers be prohibited.

32. That secondary picketing continue to be prohibited.

33. That employers, employees and trade unions be fully accountable at law for their actions.

I. CERTIFICATION PROCESS

This process is essentially a matter for the employees. It should be free of undue influence or coercion by the employer and the trade union(s) attempting to organize those employees.

Concerns were heard by the Committee regarding access to workers at isolated worksites, disputes about the appropriate bargaining unit causing undue delays, and the need for reasonable speed in the process.

There were also comments regarding the 'life' of the membership card, the fee and the percentage of support required.

Since there should be an ongoing relationship between employer and employee and since the current system of certification on occasion causes considerable friction, changes should be made.

Recommendations:

34. That the existing 90 day life of the card be retained.

35. That the $2.00 fee be retained.

36. That support from at least 40% of the perceived bargaining unit be required prior to an application being accepted by the Labour Relations Board.

37. That the Labour Relations Board be responsible for expeditiously determining the bargaining unit and that it is reasonably similar to that perceived by the applicant. In the event that the bargaining unit is not similar to that perceived by the applicant, the application would be rejected. The Labour Relations Board would notify the applicant and employer of its decision.

38. That if the bargaining unit is similar to that perceived by the applicant, the Labour Relations Board hold a vote of the employees within that unit, as soon as possible, to ascertain the wishes of the majority of those voting.

39. That the Labour Relations Board hear objections following the vote prior to the final decision on the application.

J. REVOCATION

To balance the new provisions for certification similar provisions should be created for the revocation process.

Recommendations:

40. That an application of the employees for a vote to revoke a certification require the support of 40% of the members of the bargaining unit.

K. '25 HOUR LOCKOUT'

In the section of the report on the Economic Background, it is clearly demonstrated that the construction industry faced severe swings in activity over the period 1974 to 1986. When the downturn started attempts by the parties to meet the economic challenges failed.

The Labour Relations Board in a 1985 decision stated that the termination of the lockout by the Registered Employers' Organization reinstated the collective agreement and that the employer and employees continue to be bound by that agreement. The Court of Appeal ruled that "The Board erred in characterizing this action as a unilateral imposition of changes in the collective agreement. At that point, there was no collective agreement; also the new agreements were not unilateral; they were agreed to by the employers and individual employees."

The Labour Relations Board in a later decision stated "We read the Court of Appeal decision as saying that in Alberta an employer is not precluded, during a lockout, from hiring replacement employees. That these employees can be from the ranks of the collective locked out bargaining unit employees if the employer chooses to offer them work and if they are willing to take that work at the rates being offered to them."

The Trade Union movement views the '25 hour lockout' as an assault on trade unions, while the construction employers argue that termination of the agreements was necessary for economic survival in competition with non-unionized companies in a rapidly shrinking market.

The '25 hour lockout' was a perceived concept that had no basis in legislation, but was rather a method to confirm that an agreement had in fact been terminated. The major changes that are proposed to the collective bargaining process, as well as the commitment to enhance the information base of the participants, are measures which the Committee firmly believes will negate the use of this type of drastic measure by either party in the future.

L. SPIN-OFFS

The Committee has noted the economic swings in the construction industry under the section on '25 hour lockout'.

The spin-off section of the Alberta Labour Relations Act is not

significantly different from that which is in place in other jurisdictions throughout Canada. The effects of this provision have, however, had the greatest impact in Alberta due to the massive downsizing that has taken place in the construction industry.

The Committee is optimistic that the recommendations contained within this report will serve to create an atmosphere for constructive labour relations in the future.

M. REGISTRATION

There are problems in construction sector bargaining with the current level of activity in the industry. Both employers and trade unions wish to retain registration in the long term for their industry and both express the need for a stable unionized segment of the industry in the industrial commercial field to assure availability of a highly trained and skilled workforce. This is in contrast to some attitudes the Committee heard in the U.S.A. where all parties recognize an oncoming severe shortage of skilled tradesmen within a decade but seem unwilling to work together to address the problem.

The Committee considers that other recommendations in this report would have helped to prevent some past difficulties. The Committee did not consider its mandate to include 'kick-starting' the process in the present environment but rather to address the long term needs of labour relations in the construction industry. If employers and construction trade unions are to bargain as equal partners, organizational structures and their functioning must be in balance.

Recommendations:

41. That the organizational structures of employers and trade unions in the construction industry be put in balance.

42. That the Minister of Labour advise the parties in the construction industry that unless they mutually develop a bargaining structure by May 1, 1987 a structure be established. Further, that the bargaining structure be Province wide and contain a majority rule principle.

N. CARVE OUT

The present provisions are applicable only if a request is made and

accepted for a specific project in the oil sands area. The provisions have been implemented only once for the Syncrude plant. Other construction owners and contractors felt that their projects were delayed by any disputes during the carve out period and consequently feel subject to unequal treatment by the law.

Recommendation:

43. That the present provisions for carve out of oil sands construction projects be removed from the legislation.

O. GRIEVANCE PROCEDURE

Where a collective agreement exists, the grievance procedure should be completed before accessing the Employment Standards or Human Rights Commission processes.

Recommendations:

44. That provisions be introduced to ensure that grievances are not handled concurrently through the collective agreement, Employment Standards, and Human Rights Commission. This requires the capability to transfer between the processes and the waiver of time limits when necessary. Full access to due process sequentially must be retained.

45. That consideration be given to the appointment of grievance arbitrators by an appropriate senior member of the Department rather than by the Minister, since the requirement for a grievance arbitrator is essentially an administrative function.

P. EXPEDITED ARBITRATION

The current Labour Relations Act requires that every collective agreement contain a grievance and arbitration provision, and if not the procedure as stated in the Act shall apply.

The above noted procedure also provides to the Labour Relations Board the ability to issue directives necessary to speed up the decision making process or to appoint a new arbitrator or arbitration board.

Nevertheless the arbitration procedure can be cumbersome. In instances where persons have been terminated, laid off, or suspended a much more

streamlined approach should be used. It should not be necessary in such instances to progress through a lengthy grievance procedure where as many as 20 days may be consumed before arbitration can proceed.

Recommendations:

46. That a method be established wherein expedited arbitration can take place, in addition to provisions in the current Labour Relations Act with respect to arbitration.

47. That where grievable termination, lay-off or suspension occurs, and the employer has been notified and provided with seven calendar days to respond, the matter proceed directly to arbitration.

48. That if within the seven days the parties have not resolved the matter or appointed an arbitrator, the Director of Mediation appoint a single arbitrator who must meet and render a written decision within 14 calendar days.

49. That consideration be given to the possibility that the Labour Relations Board establish a panel of the Board who would handle grievable terminations, lay-off or suspensions in an expedited fashion.

Q. FAIR REPRESENTATION

Presentations to the Committee have indicated that concerns about complaints of lack of fair representation may force trade unions to proceed with non-justifiable grievances.

Recommendation:

50. That measures be taken to permit a trade union to present a defense against a lack of fair representation claim based on proof that the matter was considered and that the trade union had made its decision in good conscience not to proceed further with the grievance.

R. SECRET BALLOTS

The current Labour Relations Act contains a number of provisions for votes. These votes can be ordered by either the Labour Relations Board or the Minister.

The Act does not state that the vote must be by a secret ballot, only

that the vote shall be supervised by the Board.

Recommendations:

51. That in all instances where the Act stipulates that a vote be taken it be by secret ballot with the results (ballots for, against and spoiled) distributed to the parties.

52. That supervision of secret ballots be determined by the Labour Relations Board.

S. ROLE OF THE LABOUR RELATIONS BOARD

The Committee received a number of presentations suggesting that the role of the Labour Relations Board be strengthened. This strengthened role is crucial to the package of recommendations of the Committee to encourage bargaining to an agreement with a minimum of confrontation.

Strengthening of the Labour Relations Board function is also necessary to minimize referral of Board decisions to the courts with ensuing acrimony, bitterness, and delays in the ultimate decision.

Recommendations:

53. That with the increased role of the Labour Relations Board, the appointment process be reviewed with regard to the background and expertise of appointees, ratio of full-time to part-time members, and duration of appointments. This review should bear in mind the requirement for both the fact and the perception of balance in, and the stature of, the Labour Relations Board.

54. That the operation of the Board as a tribunal be streamlined and amended as follows:

    a) An initial single officer or member inquiry with recommendation to the parties or Board Chairman.

    b) A referral to a three member panel which must provide a ruling.

    Both of these processes would be of a 'without prejudice' non-legalistic nature and without the obligation on the parties to follow the formal rules of administrative tribunals.

c) An appeal to a 5 or 7 member panel including the Chairman or Vice Chairman and a full-time member.

The parties would be required to file with the Board all written facts and evidence that is to be presented. This appeal would be similar to a 'de novo' trial and would require that the parties adhere to the rules used in formal administrative tribunals.

The Board would be provided with the capability to assess fees and costs of appeal applications that are determined to be of a frivolous or vexatious nature.

55. That appeals to the Courts of Labour Relations Board decisions require a certificate from the Board confirming that "54" above has been completed.

Appeals, aside from the initial Board jurisdiction over picketing, would be restricted to questions of law and jurisdiction. Ex parte applications to the Courts would continue to be denied.

56. That time frames for Board hearings be established. The Board should be instructed to develop aggressive management of its hearing policy, so that matters can be dealt with quickly.

57. That the power of the Board to compel witnesses, demand documents, grant interim remedies as well as the enforcement of Orders be carefully considered and strengthened where necessary.

APPENDIX A

LIST OF INDIVIDUALS AND GROUPS THE LABOUR LEGISLATION REVIEW COMMITTEE MET WITH INTERNATIONALLY

A. FEDERAL REPUBLIC OF GERMANY

His Excellency Donald S. McPhail
Ambassador of Canada
Bonn, FRG

Staatssekretär Baden
Federal Ministry of Labour and Social Affairs
Bonn, FRG

Herr Bernard Jagoda, MDB
Federal Parliamentary Standing Committee
on Social Affairs
Bonn, FRG

Herr Lutz, MDB
Federal Parliamentary Standing Committee
on Social Affairs
Bonn, FRG

Frau Anke Fuchs, MDB
Opposition Spokesperson for Labour
Bundeshaus
Bonn, FRG

Staatssekretär P.A. Nelles
Deputy Minister
North-Rhine Westfalian Ministry of Labour
Düsseldorf, FRG

Herr Hans Jansen
Member, National Executive
Metal Workers' Union
National Headquarters
Frankfurt, FRG

Herr Lothar Zimmermann
Executive Member
Deutscher Gewerkschaftsbund
(German Trade Union Federation)
Sprockhövel, FRG

Herr H. Widenhofer
Representative
Food and Catering Industry Union
Bonn, FRG

Herr J. Hellmann
Secretary General
Employers Association
Food and Catering Industry
Bonn, FRG

Dr. E.G. Erdmann
Chief Executive Officer
Federal Employer's Association
Cologne, FRG

B. **ENGLAND**

Sir Pat Lowry
Chairman
Advisory Conciliation and Arbitration Service
London, England

Mr. Denis Boyd
Chief Conciliation Officer
Advisory Conciliation and Arbitration Service
London, England

Mr. Eric Norcross
Director of Administration
Advisory Conciliation and Arbitration Service
London, England

Mr. Roderick S. Allison
Under Secretary for Industrial Relations
Department of Employment
London, England

Mr. Bert Johnson
Head of Branch, Grade 5
Department of Employment
London, England

Sir Robert Haslam
Chairman
British Coal
London, England

Mr. Graham Day
Chairman and Chief Executive Officer
The Rover Group, (British Leyland)
London, England

Mr. Frank Saundry
Group Personnel Officer
The Rover Group, (British Leyland)
London, England

Mr. Mark Hall
Assistant Secretary
Organization & Industrial Relations Department
Trades Union Congress, (TUC)
London, England

Mr. Roy Lynk
General Secretary
Union of Democratic Mineworkers
Nottinghamshire, England

Mr. John Bowers
Barrister and Consultant
Association of Professional Executive Clerical and Computer Staff
London, England

Ms. C. Dickson
Director
Association of Professional Executive Clerical and Computer Staff
London, England

Mr. Jimmy Hardman
Assistant General Secretary
Union of Construction and Allied Trades and Technicians
London, England

Mr. George Wheatley
Regional Industrial Officer
General Municipal Boiler Makers and Allied Trades Union
London, England

Mr. Dave Ryland
Regional Organizer
General Municipal Boiler Makers and Allied Trades Union
London, England

Mr. Hussein Kaya
Head of Legal Policy Department
Confederation of British Industry, (CBI)
London, England

Mr. Gary Campkin
Head of Western Hemisphere Department
International Affairs Directorate
Confederation of British Industry, (CBI)
London, England

Mr. Derek Johnson
Deputy Director
International Affairs Directorate
Confederation of British Industry, (CBI)
London, England

Mr. Stephen Moon
Director
Industrial Relations
Building Employers Confederation
London, England

Mr. James H. McKibben
Agent General
Government of Alberta
London, England

C. **UNITED STATES**

Mr. L.H. Legault
Deputy Head of Mission
The Canadian Embassy
Washington, D.C.

The Hon. Stephen I. Schlossberg
Deputy Under Secretary for
Labour-Management Relations
and Cooperative Programs
Federal Department of Labour
Washington, D.C.

The Hon. Donald L. Dotson
Chairman
National Labor Relations Board
Washington, D.C.

Mr. John C. Turesdale
Executive Secretary
National Labor Relations Board
Washington, D.C.

The Hon. Kay McMurray
Director
Federal Mediation and Conciliation Service
Washington, D.C.

Mr. Joe Maloney
Secretary Treasurer
Building and Construction Trades Department
American Federation of Labour, (AFL)
Washington, D.C.

Mr. Brock Heylin
Associated General Contractors of America
Washington, D.C.

Mr. Dale Lawson
Government Research Corporation
Washington, D.C.

D. **JAPAN**

His Excellency Barry C. Steers
Ambassador of Canada
Tokyo, Japan

Mr. Tadashi Nahamura
Assistant Minister of Labour
Ministry of Labour
Tokyo, Japan

Mr. Toshihide Okuzawa
Director
General Affairs Bureau
Japanese Confederation of Labour, (DOMEI)
Tokyo, Japan

Mr. Masao Aihara
Director
International Affairs Bureau
Japanese Confederation of Labour, (DOMEI)
Tokyo, Japan

Mr. Yoichi Yamada
Director
International Bureau
General Council of Trade Unions of Japan, (SOHYO)
Tokyo, Japan

Mr. Akira Sano
Director
Labour Union Campaign and
Youth Activities Bureau
General Council of Trade Unions of Japan, (SOHYO)
Tokyo, Japan

Mr. Ichiro Seto
General Secretary
The Japan Council of Metalworkers' Unions, (IMF-JC)
Tokyo, Japan

Mr. Kazuyoshi Tsuda
Assistant General Secretary
The Japan Council of Metalworkers' Union, (IMF-JC)
Tokyo, Japan

Mr. Tsuneo Hata
Director
International Affairs Department
The Japan Council of Metalworkers' Unions, (IMF-JC)
Tokyo, Japan

Prof. Tadashi Hanami
Japan Institute of Labour
Sophia University
Tokyo, Japan

Mr. Takeaki Urao
Director
International Affairs Department
Japan Institute of Labour
Tokyo, Japan

Mr. Toshio Suzuki
Director
International Bureau
Japan Federation of Employers' Association, (NIKKEIREN)
Tokyo, Japan

Mr. Masaichi Masuda
Director of Legal Affairs
Japan Federation of Employers' Association, (NIKKEIREN)
Tokyo, Japan

Mr. Kazuo Tange
Director, Personnel Administration
Policy Division
Japan Federation of Employers' Association, (NIKKEIREN)

Mr. Mitsuaki Nakano
Executive Manager
The National Construction Association
Tokyo, Japan

Mr. Hiroshi Aoki
Chief, Labour Bureau
The National Construction Association
Tokyo, Japan

Mr. Kayuo Nukazawa
Japan Federation of Economic Organizations
Tokyo, Japan

Mr. Mikio Aoki
Managing Director and
Secretary General
Japan Productivity Centre
Tokyo, Japan

Mr. Jouji Kato
Director
Industrial Relations Department
Japan Productivity Centre
Tokyo, Japan

Mr. Kichinosuke Yamazaki
Senior Advisor to the Director
Industrial Relations Department
Japan Productivity Centre
Tokyo, Japan

Mr. Yoji Osaki
Industrial Relations Department
Japan Productivity Centre
Tokyo, Japan

Mr. Yoshiki Abe
Labour Law Specialist
Tokyo, Japan

Mr. Ken Tsuji
Vice-President
Japan Institute of Labour
Tokyo, Japan

Mr. Makoto Oishi
General Manager
Administration Department
Nissan Motors
Oppama, Japan

Mr. Ivan Bumstead
Agent General
Government of Alberta
Tokyo, Japan

E. **AUSTRALIA**

Rt. Honourable Edward Schreyer
High Commissioner of Canada
Canberra, Australia

Mr. Robert W. Burchill
Consul General of Canada
Sydney, Australia

Mr. Robert M. Dawson
Consul General of Canada
Melbourne, Australia

The Hon. Ralph Willis
Minister
Department of Employment and Industrial Relations
Parliament House
Canberra, Australia

Mr. Geoff McGill
First Assistant Secretary
Industrial Relations Policy Division
Department of Employment and Industrial Relations
Canberra, Australia

Mr. Don McCallum
Principal Advisor
Industrial Relations Operations Division
Department of Employment and Industrial Relations
Canberra, Australia

Mr. Terry Bronsnan
Assistant Secretary
Legislation and Awards Division
Department of Employment and Industrial Relations
Canberra, Australia

Mr. Doug Poulter
First Assistant Secretary
Legislation and Review Division
Department of Employment and Industrial Relations
Canberra, Australia

Mr. Tjebbe Bekema
Assistant Secretary
Industrial Relations Branch
Department of Employment and Industrial Relations
Canberra, Australia

Mr. Justice Maddern
President
Australian Conciliation and Arbitration Commission
Melbourne, Australia

The Hon. Neil Brown
Federal Opposition Spokesman for Labour
Parliament House
Canberra, Australia

Mr. Phil Gude
Member of Parliament
State of Victoria
Opposition Spokesman on
Industrial Affairs and Small Business
Melbourne, Australia

Miss T. Riordan
Associate to the President
Industrial Commission of N.S.W.
Sydney, Australia

Mr. Simon Crean
President
Australian Council of Trade Unions, (ACTU)
Melbourne, Australia

Mr. Breen Creighton
Legal Officer
Australian Council of Trade Unions, (ACTU)
Melbourne, Australia

Mr. M.B. Easson
Assistant Secretary
Labour Council of N.S.W.
Sydney, Australia

Mr. D.T. Wright
Director N.S.W.
Metal Trades Industry Association of Australia
North Sydney, Australia

Mr. David Nolan
President
Confederation of Australian Industry
Melbourne, Australia

Mr. Clive Bubb
Director
Industrial Relations
Master Builders Federation
(Construction Industry Employers Organization)
Canberra, Australia

Mr. Mike Anquin
Industrial Director
Business Council of Australia
Melbourne, Australia

Mr. John Telling
Industrial Relations - Shell
Member, Business Council of Australia
Melbourne, Australia

Mr. Ross Johnston
Personnel & Industrial Relations
Member, Business Council of Australia
Melbourne, Australia

Mr. M. Rozario
Assistant Director
Melbourne Chamber of Commerce
Melbourne, Australia

F. **NEW ZEALAND**

His Excellency A. Douglas Small
High Commissioner of Canada
Wellington North, New Zealand

The Hon. S.J. Rodger
Minister
Federal Department of Labour
Wellington, New Zealand

Chief Judge Jack Horn
New Zealand Arbitration Court
Wellington, New Zealand

Mr. C.J. McKenzie
Secretary
Ministry of Labour
Wellington, New Zealand

Mr. John Rosevere
Industrial Relations Division
State Services Commission
Wellington, New Zealand

Mr. Jim Knox
President
Federation of Labour
Wellington, New Zealand

Mr. Ken Douglas
Secretary
Federation of Labour
Wellington, New Zealand

Ms. Kate Clark
Assistant Secretary
Combines State Unions
Wellington, New Zealand

Mr. Steve Grant
General Secretary
Railways Unions
Wellington, New Zealand

Mr. Jim Turner
Director
Public Service Association
Wellington, New Zealand

Sir William Leuchars
President
New Zealand Employers Federation
Wellington, New Zealand

Mr. Raymond E. Taylor
Assistant Director General
New Zealand Employers Federation
Wellington, New Zealand

APPENDIX B

LABOUR LEGISLATION REVIEW COMMITTEE

INTERIM REPORT

NOVEMBER 1986

TABLE OF CONTENTS

LETTER FROM THE CHAIRMAN i

LETTER FROM THE COMMITTEE ii

PREAMBLE 1

FEDERAL REPUBLIC OF GERMANY 3

UNITED KINGDOM 8

UNITED STATES 12

JAPAN 15

AUSTRALIA 20

NEW ZEALAND 25

CONCLUDING REMARKS 29

QUESTIONS 30

Alberta
LABOUR

Office of the Minister

420 Legislature Building, Edmonton, Alberta, Canada T5K 2B6 403/427-3664

In the Speech from the Throne, on June 12, 1986 the Lieutenant Governor announced that:

> "A full review of Labour Legislation will be undertaken by my government and necessary amendments will be proposed to assure that the laws of the Province, for the present and for the future, will be responsive to the needs and aspirations of employers and employees."

On August 1, 1986 I announced in the Legislature that a Labour Legislation Review Committee consisting of representatives of unions, management and the general public was established. The Committee has been considering the principles and functions of our existing legislation as well as comparable legislation in other industrialized jurisdictions.

Prior to engaging in the Public Meetings which have been scheduled throughout the Province, the Committee has produced the attached Interim Report. This report does not contain any recommendations. The recommendations of the Committee will be outlined in the Final Report of the Committee scheduled for the end of January, 1987.

I encourage you to consider the industrial relations system in Alberta, review this Interim Report, and share with the Committee your thoughts and opinions on how the system can be improved.

Yours sincerely,

Ian C. Reid
Minister of Labour
Committee Chairman

Alberta
LABOUR

Office of the Minister

420 Legislature Building, Edmonton, Alberta, Canada T5K 2B6 403/427-3664

This Interim Report summarizes the observations of the Committee in our review of the Industrial Relations systems of other industrialized jurisdictions. We have prepared this material to assist Albertans in their review of Labour Legislation.

Contained in the document are a series of questions that the Committee has developed which are reflective of our observations in other jurisdictions. These questions are not to be interpreted as possible recommendations. Your answers, however, will assist the Committee in considering further the particular concepts that are presented.

We encourage you to review this interim report and provide us with your comments. Your contributions will assist the Committee in submitting recommendations to the Government that are reflective of the needs of all Albertans.

Joe Berlando
Alberta Teachers
Association

Budd Coutts
International Union
of Operating Engineers

Wallace Daley
Rancher

Michael Day
City of Red Deer

Sheila Embury
Retired M.L.A.

Ric Forest
Forest Construction

Larry Kelly
International Brotherhood
of Electrical Workers

Bernice Luce
Farmer

Murray Ross
Celanese Canada Inc.

PREAMBLE

Our industrial relations system must be flexible enough to cover in a fair and equitable manner the needs of all Albertans in very different workplaces. It must be seen to be even handed in the varying economic circumstances that may occur over the passage of time. It should not impede in any way the relationships between employer and employee whether organized or not. Indeed a prime purpose of the industrial relations system should be to enhance that relationship by encouraging the parties to behave with a commonality of interest.

The collective bargaining system in Alberta has, like all other systems, had its successes and its problems. It has functioned through the business cycles of the last decade and should now be reviewed so that we can look forward to the twenty-first century with stability in labour relations. Recognizing that it has been a number of years since our labour laws have been reviewed, it was decided that a thorough analysis be undertaken.

The Committee to review labour legislation was established on August 1, 1986 and consists of people from unions, management and the general public representing all segments of Alberta society.

Labour legislation impacts on every employee and employer in Alberta. The Labour Relations Act and the Employment Standards Act set the framework for the industrial relations system that operates in our Province. It is the Committee's objective to ensure that the labour relations system in Alberta is both fair and equitable to employees and employers.

We are at the threshold of the twenty-first century. To ensure that our standard of living is maintained we must continue to build on our strengths and marshal our resources to meet the challenges of an increasingly competitive world. We are dependent upon our ability to export; to find and develop new markets. We have a responsibility to ensure that these markets are supplied with goods that are reliable, delivered on time and are competitively priced. We must have an industrial relations system that meets the needs of Albertans and sets the framework in order that our industries can meet the demands of the marketplace, regionally, nationally and internationally.

The purpose of this interim report is to provide Albertans with a summary

of observations of the Committee on the workings of industrial relations systems of certain other industrialized jurisdictions. No recommendations are contained in this report. The recommendations of the Committee will be contained in the final report scheduled for release by the end of January, 1987.

This interim report has two major sections. The first contains a country by country summary of the industrial relations systems that the Committee studied. In each review, the Committee has outlined what it believes are the major elements of that country's industrial relations system. The second section contains a series of questions to which the Committee is seeking answers from Albertans.

FEDERAL REPUBLIC OF GERMANY

Fundamental to the structure and operation of the German labour relations system is a shared recognition of, and respect for, the roles of labour, management and government in achieving corporate and national goals. Each party accepts responsibility for playing a critical role, in the context of a free market environment. In particular, labour and management have accepted each other as equal partners essential to the success of the undertaking, and have agreed to work out their differences without outside intervention. Parties accept the onus to remain aware of their economic, social and political environment and continually assess the implication of changes for their relationship.

The most distinctive feature of the statutory framework is the system of works councils and co-determination. At plant level the Works Constitution Act of 1952, as amended in 1972, establishes voluntary employee-elected works councils with extensive rights to information and consultation. Works councils are directly involved in the determination of principles and procedures underlying maintenance of order and discipline, and are directly consulted regarding personnel planning, engagement and transfer of employees, technological change and plant alterations. They are involved in the development of additional social compensation plans to offset financial consequences to staff of any plant alteration. The Co-determination Act of 1976, which builds upon principles established in previous legislation, ensures that representation for employees is established at the supervisory board level in all companies having more than two thousand employees. These structures are creations of statutes designed to ensure representation of employees' interests in the enterprise. Union participation is a structured part of employee representation at the supervisory board level.

Trade unions are thus recognized in a much broader context than provided for in the statutory certification or registration procedures often found elsewhere. Through the system of co-determination and works councils trade unions have received recognition as an integral part of the socio-economic structure, and in return have acknowledged the discipline and uncertainty of a free market economy. This broadly based structure, in practice a one union - one industry system, also precludes, in general, any form of union recognition on a single employer basis. There is also no need for an

exclusive rights concept; there are no competing unions within sectors or firms.

Long term economic growth and stability are accepted as legitimate goals at both the national and enterprise levels. An extensive network of social programs ensures that individual employees do not bear the initial brunt of economic declines and adjustments. The high cost of these jointly supported programs is accepted as part of the social cost of doing business. Large organizations representing both parties ensure that commitments emerging from the bargaining table are thoroughly analysed. It would be very difficult, in this context, for any small group to sustain unusual demands or behaviour.

Trade unions are accepted as full partners in the economic arena, partly because they confine their activities to representing employees' long term interests in that sphere rather than more immediate political concerns. While not politically neutral, German trade unions do not directly affiliate with any political party.

Large German employers expect and prefer to deal with strong, effective trade unions represented by qualified individuals capable of making commitments which reflect the long term needs of both parties. Small employer or employee organizations with narrowly based interests are not considered effective.

Government has deliberately and carefully established a framework which maintains the balance of power in the longer term, and within which the parties recognize they must work. A combination of constitutional, statute and case law, and collective agreements arrived at by the parties provides this framework.

Of particular note is the consistent refusal of government to involve itself in specific disputes, or immediately correct what one party might perceive to be a shift in the balance of power. Even the lengthy and costly Metal Workers strike of 1984 did not provoke any direct government intervention at the time. The parties clearly understand that within the overall framework of national interest they are responsible for solving their own disputes through mutually agreed procedures.

Commitment of the parties to free collective bargaining, and in particular the government commitment to permit parties to work out their own relationship without third party intervention, is evident in many aspects of the system.

(i) The parties negotiate their own dispute resolution procedures and appoint and pay for their own mediators when they feel such expertise is needed.

(ii) Major trade unions have developed their own three part underpinning to bargaining demands, involving inflation protection, productivity gains and wealth redistribution.

(iii) Issues in dispute have recently changed significantly, raising some concerns about the capacity of collective bargaining to address these matters. The parties have been left to apply existing practices, develop new ones, and only as a last resort approach the state for assistance.

(iv) Union membership is voluntary and approximately 30% of employees are union members.

(v) Although redundancy and layoffs remain a concern, and some statutory intervention has occurred, the parties have been left to negotiate social plans that ensure that layoffs, retraining and other adjustments are undertaken in a socially acceptable manner.

(vi) There is no special legislation for public sector or essential service employees. It has been accepted that there will be no work stoppage in this sector.

(vii) There is no compulsory conciliation or arbitration - both functions are utilized only to the extent the parties wish.

(viii) While legislation does not address the use of replacement labour during disputes, it is a practice that has not occurred in Germany.

Both parties recognize that the results of their efforts must ensure the long term viability of the enterprise and the industry, and the jobs they provide.

Agreements are legally binding; thus meaningful commitments result from the process.

Bargaining takes place at several levels. Industry level collective agreements, applied nationally are negotiated first. Regional and plant level agreements affecting local needs and concerns are then developed: though these latter arrangements do not produce collective agreements in the legal sense, they do involve additional entitlements.

The German system facilitates a high level of employer-employee communication at all levels of the undertaking. Communication between rounds of bargaining is maintained through employee involvement at the Board level in larger undertakings, and through the day-to-day operation of works councils. Events, such as the negotiation of social plans in response to pending layoffs, also help to keep the parties in tune with each others needs and aspirations.

Both parties recognize ongoing communication in a stressful environment requires the commitment and dedication of skilled individuals. A great deal of time and effort is directed toward developing and maintaining the skill of personnel at all levels, and ensuring that fully qualified people are in critical positions. The greater long term good must be put above shorter term interests.

Government expends considerable resources to ensure that the parties have available the data necessary to make joint decisions which reflect the needs of their particular industry.

There is some evidence that the nature of the relationship is changing. Employer resistance to greater employee involvement in the decision making processes of the enterprise is stiffening. Employers are now questioning the capacity of unions to share the risk associated with ever greater involvement in management of the firm; the very nature of the relationship could be altered. The German labour market continues to absorb a great deal of change, and will soon face even further challenges as technological innovation moves further into the service and manufacturing industries. It is the balance of power between the parties that continues to provide the basis upon which these adjustments are worked out. Both must realistically assess and meet the needs of the other.

Participants indicate that as long as this highly centralized system continues to effectively address issues arising in the workplace, remains flexible enough to accommodate local and job-site needs, and provides opportunities for employees' input at these levels, commitment to it will continue. The system is now well established, with the practice of works councils arising after the First World War. The structure, based upon multi-level interaction between large stable organizations, has brought the parties to the point where they now recognize they are wholly interdependent. Achievement of their respective goals requires ongoing communication and cooperation.

UNITED KINGDOM

Britain has a longstanding and rich common law tradition governing the employer-employee relationship. In recognition of this, government legislation has generally been targetted at specific issues such as employment redundancy provisions and specific common law immunities for trade unions, with other aspects of the relationship left to the will of the parties. Scope of bargaining is otherwise broad and flexible.

It is important to note that trade unions, as organizations, have long held specified immunities from common law provisions which would otherwise have severely limited their growth and capacity to undertake industrial action. To remove these barriers, trade unions were exempted from those criminal and civil illegalities which could emerge from activities undertaken in furtherance of a trade dispute. In practical terms, these immunities ensured trade unions the freedom to organize, bargain and strike.

Legislative amendments by the current government have altered the scope and accessibility of these immunities. Trade union immunity in strike situations has been limited to those situations where a majority of union members, in accordance with clearly defined procedures, have voted in favour of taking strike action. Picketing an employer, other than the one with whom the dispute exists, has been removed from the immunities by narrowing the definition of trade dispute to that between workers and their own employer. These and other recent changes have been criticized by some as anti-labour and outside the British tradition of voluntarism.

More generally, several key longstanding elements of the existing framework reveal a continuing preference for voluntarism.

(i) There is no statutory recognition procedure for trade unions. A union may achieve employer recognition through voluntary employer action, a negotiated agreement with the employer, a mediated arrangement with the help of the Arbitration and Conciliation Advisory Service, or through industrial action.

(ii) Where recognition is achieved it does not activate a great deal of statutory entitlement. Ability to demand information from the employer in support of collective bargaining, consultation rights in

redundancy situations, and consultation prior to mergers and takeovers are significant rights achieved through recognition.

(iii) Collective agreements are not binding in law. Specific terms and conditions are enforceable by incorporation into individual contracts of employment which are, for the most part, understood rather than documented.

(iv) The British statutory framework makes no attempt to define or comprehensively address dispute resolution in essential services except for military and police. Work stoppages in critical services are addressed on an ad-hoc basis.

(v) There is no statutory restriction on the use of replacement labour in the event of strike or lockout. Although unusual in practice, recent activity in the printing industry indicates use of replacement workers remains a possibility.

(vi) Existing tax law makes it more advantageous to be a self-employed tradesman than an employee. A significant number of construction workers have chosen this option, raising some questions about the continuing relevance of collective agreements in that industry. There are no indications of pending government action. Should this occur the integrity of tax law, rather than the desire to intervene in the employer-employee relationship, will likely be the catalyst.

(vii) The decision to join or not to join a trade union is voluntary. However, pre and post-entry membership arrangements and payment of dues are often negotiated by the parties.

Labour relations policy at the collective level is a highly political issue in Great Britain. Both union and management organizations maintain direct links to political parties in anticipation of receiving favourable treatment from government. This politicization of labour relations is producing ever greater swings in policy when governments change. Both ideology and economic pragmatism are found at all levels of the industrial relations system; for example the legislation recently introduced to govern some aspects of the internal operations of the unions. Politicization, however, has not been the case in respect of policy governing individual rights. Statutes such as those governing individual entitlements to

non-discriminatory treatment and protection from unfair dismissal have remained consistent over time.

The right to strike is not specifically addressed in legislation. Since the substantive terms and conditions of the non-binding collective agreement are incorporated into the individual contract of employment, the more immediate consequences of job action must be considered by the individual. In addition, alterations in longstanding statutory immunities have raised the issue of longer term consequences to the trade union as an organization.

The government is only marginally involved in the actual dispute resolution process. Agreement continuation during a dispute is governed by the choice of the parties. In most cases terms and conditions are maintained while a new agreement is worked out. The options and capacities of the parties are far reaching. An exception is a strike vote. A strike mandate vote must be used within four weeks or a further strike mandate vote can and must be sought before strike action is taken.

Government funds the Arbitration and Conciliation Advisory Service (A.C.A.S.). This agency provides a variety of dispute resolution services to the parties on a purely voluntary basis. Through a network of regional offices, A.C.A.S. assists in any way it can by providing access to experienced mediators and arbitrators, including pendulum or final offer selection arbitration where both the parties so choose. Well regarded by most parties, A.C.A.S. is an institution strategically well placed in the British labour relations system.

The nature and extent of ongoing communication between the parties varies dramatically. Since agreements are not binding the parties have an incentive to remain aware of changing needs and expectations; to do otherwise raises the possibility of disruptive attempts at unilateral action by a disaffected party. With the help of A.C.A.S., or on their own initiative, parties are free to structure their own ongoing communications system.

There is a specific Trade Union Congress policy in respect of trade union mergers, and expressed support for amalgamation of appropriate units. A stronger resource base from which union initiatives might be taken in the face of perceived government and employer hostility is a major spur to

consolidation. There is a wide range of bargaining structures, from highly centralized in steel and coal, to very decentralized in construction.

New developments called "greenfield sites" could have some impact on trade union structures. Some employers moving into the country attempt to negotiate a one company-one union plant agreement encompassing all employees rather than several craft based unions.

The bargaining agent recognized by the employer is the one able to command the most support, either directly or through a council or coalition of unions. Collective agreements can contain procedural machinery that governs the relationship between the employer and a number of trade unions having members in a particular enterprise. These kinds of arrangements modify traditional craft based structures by creating larger on site bargaining entities.

Although a general labour standards code does not exist a number of mechanisms, in combination, provide some specific minima. Specific statutes govern unfair dismissal, discrimination in employment and procedural requirements surrounding layoffs and redundancies. Tripartite wage councils establish standards such as minimum wages, vacations, and general holidays, on a regional or industrial basis. Part-time workers and those under 21 are not covered by these standards and generally represent a group not fully protected.

The British system is distinguishable largely because it is not a broadly applied statutory system. A combination of longstanding common law, specific issue related statutes and mutual agreements govern the employer-employee relationship. Uncertainty and industrial disputes can and do result, but as well there exists the opportunity and freedom for the parties to develop and maintain effective communications and mutually acceptable dispute resolution mechanisms designed to meet their own needs.

UNITED STATES

Government involvement in the industrial relations system in the United States is comparable to that found in Canada. The general framework is established through legislation, with additional quasi-judicial and mediation services provided by the National Labour Relations Board, (N.L.R.B.) and the Federal Mediation and Conciliation Services respectively. Both federal and state governments have specifically addressed the rights of essential employees. Federal civil servants, for example, do not have the right to strike. The basic legislative framework found today has remained intact since 1935.

Division of powers between federal and state authorities has produced a combination of local and national standards. The nature of standards, in any given region, depends on the extent to which local and state authorities have chosen to augment the national standards.

The Canadian system is closely modelled on that found in the United States. A statutory certification process administered by a quasi-judicial board, based on the premise of majority rule, continues to be used to establish the exclusive bargaining authority of a trade union. Once certified, a union has access to those rights prescribed by law, including the right to compel the employer to bargain in good faith.

There is no clear pattern emerging under the National Labour Relations Act, in that wide ranging agreements covering many unions and employers in a single industry exist, as do single project and single plant agreements. There is a trend towards less national bargaining, particularly where the industry is affected by variations in regional economic activity.

Collective agreements are legally binding on the parties. Conduct of the parties is governed by case law pursuant to unfair labour practice and good faith bargaining doctrines, as established through the National Labour Relations Act.

Federal mediation and conciliation advisory services are available to assist, either on their own initiative or at the request of the parties. Collective agreements continue beyond their expiry date to the extent that the parties wish, or in accordance with the terms of the agreement.

The right to strike and lockout are protected by statute. Conditions precedent to work stoppage, such as proper notice to bargain or terminate agreement and limitations on scope and nature of industrial action are established through a combination of case and statute law.

Replacement labour can be and is used; there is no legal obligation to re-hire following a strike, although the situation is not as clear where a lockout exists.

Under the very decentralized system presently operating in the United States, it is difficult to identify particular practices in relation to ongoing dialogue. There is no legislative involvement. At the program level the Federal Mediation and Conciliation Services is involved in preventive mediation very much along the lines of Alberta's preventive mediation program. They also co-sponsor community based education programs in the labour relations field. The impact of this program seems limited given the size of the agency as against the size of the work force. It is likely the quality and extent of ongoing communication between bargaining sessions varies dramatically by industry location, and the strike lockout record of the negotiating parties.

There is no federal legislative involvement in the employee adjustment process. Where lay-offs and plant closures are taking place activity is at the local or enterprise levels. Long term needs have been recognized, such as pending shortage of skilled labour in the construction industry, yet there is no overall coherent response being developed either by the parties or within government.

The United States, like Canada, has seen a number of severe changes take place in the sphere of union management relations with construction unions taking the brunt of this change. The swing towards non-union construction has brought about a change in strategy within the AFL-CIO and the union movement generally. Today in the United States the unions appear to be adapting to this change which has been forced upon them by competitive pressures, the anti-union movement, right to work legislation, double breasting and a trend away from national agreements. As an example, the AFL-CIO has embarked on an extensive market recovery program. This same organization has made it known that they consider picketing for economic reasons a thing of the past and expressed a desire to work with employers in a co-operative mode for the overall good of the nation. There is no

doubt that they are concerned over the reduction of numbers of unionized employees.

Generally, the amount of litigation before the N.R.L.B. appears to be decreasing. This is partly the result of the current economic conditions faced in the United States but also, as expressed earlier, a recognition that the adversarial mode must change. There is no doubt that there is a strong bias today towards individual rights which, as in Canada, is forcing the union movement to carefully re-assess their positions and evaluate their structures. At the individual level there is increasing use of the courts in wrongful dismissal cases.

An example of what unions are facing in the United States can be appreciated when one considers what has taken place with the hiring hall structure. Because of anti-discrimination laws, union hiring halls must dispatch not only their registered union members but also non-union persons who have the demonstrated skills and are seeking work.

The United States industrial relations model is much as in Canada; we have borrowed from each other over the years. It is not uncommon to find private enterprise involved in the industrial relations community. There is no doubt that the United States Government realizes that it must, like Germany and Japan, become less involved in the bargaining process and place more emphasis on employers and unions settling their own disputes.

JAPAN

The Japanese industrial relations system is characterized by a strong commitment to productivity enhancement through collective bargaining and is not the result of cultural or long standing historical elements. In fact, the present system has a relatively short history, starting with the Trade Union Law of December, 1945 which was imposed on the Japanese by the Allied Command. This law approved and encouraged open and free activities of Labour Unions. During the period 1945 to 1975 major upheavals in industrial relations occurred. As a direct result of the debilitating effects on the economy during the Oil Crisis, job security through productivity enhancement became the foundation of labour management relations.

The strong commitment to productivity enhancement and collective bargaining provides for the central focus of the Japanese industrial relations system: that is, respect between and among all the participants.

This mutual respect is evident in the industrial relations system at all levels of society. The Japanese Constitution expressly guarantees to employees the right to organize, to bargain and to act collectively. Management and unions consciously avoid the use of the legalistic approach to their labour relations; rather, their desire is to reach a negotiated settlement. The use of replacement labour is seen as an admission of mutual defeat in collective bargaining and could poison the future relationship and, therefore, is virtually non-existent.

Flowing from this central focus of respect, three elements are evident: commonality of interest, consensus building and Round Table discussions, chaired by the Minister of Labour, at which management, labour, academia, the press and government are represented.

The commonality of interest of the parties ensures that responsibilities and actions are directed towards the common commitment to increased employment through productivity of the enterprise. A disciplined work ethic stems from the desire to achieve. It strengthens the individual employee's role in the enterprise and in effect makes the employee a stakeholder, and provides for mutual economic and social enhancement.

Employers have adopted strong labour relations techniques through extensive management training programs.

The notions of lifetime employment, seniority based wages and enterprise unions are referred to as the "Three Treasures of Japan".

Although a minority of Japanese employees are provided with lifetime employment, that objective is a desire of the majority of employees. Lifetime employment is not legislated nor contractual but is a practice developed after the Korean War and the massive employment needs that resulted. Not only the unionized but also the non-unionized sector functions under this practice. Small and medium enterprises by their very nature cannot give the same degree of security as large corporations. Employment means becoming a member of the community of a particular enterprise whether one is a blue or white collar employee as opposed to employment in a specific job or occupation.

Unions are organized on an enterprise by enterprise basis and may include blue or white collar employees, supervisors and lower and middle management. Approximately 29% of the workforce is unionized.

Economic circumstances are responded to by increasing or decreasing the number of temporary employees. Decisions on expanding or decreasing the workforce are matters for collective bargaining and are discussed extensively throughout the enterprise.

The wage system is essentially seniority-based, and is designed to increase wages every year according to the number of service years coupled with bonus-pay that may equal between 4-6 months regular salary. The minimum is the starting wage for new school graduates.

The "Three Treasures of Japan" have permitted employees to develop multi-skills and employers the opportunity to retrain and redeploy employees as economic circumstances demand. Since contract retirement is usually at age 55, the senior more highly paid employees are retired, with favourable terms to the employee, making way for less costly, more adaptable youth who are constantly brought into the enterprise. By directing the hiring practice towards a planned turn-over, with frequent additions of young employees, technological changes are easily accepted, and because there is the commitment to the community of the enterprise,

employees recommend and accept productivity enhancements. For example, robots introduced in the manufacturing process are not only accepted, with the employees retrained to service and program them, but are encouraged, since they are not viewed as a threat but as an enhancement of the productivity of the enterprise, mutually benefiting both employers and employees. Through understanding and acceptance of these Three Treasures, management, unions and employees have strengthened their commonality of interests and enhanced their mutual respect.

Consensus building throughout an enterprise stems from mutual respect and is based on a commitment to joint consultation. Grievances are predominantly resolved internally with procedures that are negotiated through collective bargaining, thereby minimizing outside third party intervention or resorting to a legalistic environment for dispute resolution. The enterprise union concept permits individual employees, both blue and white collar, to freely join the same union. Where a majority of employees are represented, the union can negotiate a union shop or closed shop clause in the collective agreement. The presence of both blue and white collar employees in the same union facilitates information exchange throughout the organization, strengthening the community of the enterprise and encouraging the participants to be valid stakeholders.

This consensus building through joint consultation and respect is readily apparent in the mutually pre-determined formula for bonus-pay. Since semi-annual bonus-pay is a significant component of the wage system, joint union-management goal setting and bonus distribution facilitates a common consensus. All participants share in the profits of the enterprise, and receive their share according to a formula that was agreed to in collective bargaining.

Throughout an enterprise Quality Control Circles are established. These forums for discussion between groups of employees and management operate outside of normal working hours, meet on a regular basis to identify any major problems, and develop solutions with an implementation plan. If the plan is implemented and proves successful the Quality Control Circle is rewarded. This shop floor forum provides for a free flow of information between management and employees and is seen as a significant aspect of the implementation plan and individual employee's contribution to productivity enhancement.

The commitment to productivity enhancement has fostered the development of formal institutions designed to develop consensus at the highest level of the nation. Mutually acknowledged and supported by unions, employer associations and government, these institutions provide each of the participants of the Round Table Conference with mutually acceptable economic facts from which a national consensus can be developed and fostered. These institutions, such as the Japan Productivity Centre established in 1954, or the Japan Institute of Labour, established in 1958, were originally conceived by government but are now largely sustained through non-government support. Unions and management through their federations also have made significant commitments to research so that their respective contributions to the Round Table are based on sound data and market economic principles.

The Round Table Conference or Sanrokon is composed of presidents, general secretaries or other top-level officers of the four main trade union federations, top business leaders from Japanese Federation of Employers Federations (Nikkeiren), Japan Federation of Economic Organizations (Keidanren), Japan Chamber of Commerce and Industry (Nissho), and representatives of the public interest from the press and academic circles. This conference which is a tripartite consultation meeting is held monthly and is chaired by the Minister of Labour and is attended at least once a year by the Prime Minister. It has achieved successful results as a place to exchange views and to promote communication among top leaders of government, labour and management and has assisted in setting the framework for the Spring Offensive when annual minimum industry wide increases are negotiated. The Spring Offensive or Shunto is the most important annual event for union management relations in Japan. Over 80% of unionized labour participates and the resultant increases affect wage determination for national and local public employees who are denied the right to bargain collectively. The wage negotiations that are concluded each spring set the base or minimum industry wide wage structure which is subsequently topped up through enterprise level union-management collective bargaining. The enterprise negotiations pre-determine the formula for the semi-annual bonus pay which directly relates to the profits of the enterprise during that period.

The role of government in the industrial relations equation has evolved over the years from a dominant role in 1945, when the Allied Command imposed unions as an attempt to democratize the nation, to one which can be

characterized as being passively influential. Government has been instrumental in establishing the framework for the industrial relations system; however over the last decade it has permitted the unions and management to bargain collectively without direct intervention. The main features of the system were introduced in direct response to practical problems that were faced. If the device worked well, it was maintained, if it did not, it was abandoned. Specific legislation on such topics as Labour Standards, Employment Standards, Equal Employment Opportunity for Women, Industrial Safety and Health have been enacted. The private sector industrial relations system has functioned under free collective bargaining. In general, the public sector unions are prohibited by statute from striking at all levels of the country, from the national level through to the municipal or local level.

The union structure in Japan is such that private sector unions internally determine what constitutes a mandate for industrial action, however, once a strike is imminent, then a strike notice to government is required. Industrial action (strikes) are usually disciplined affairs. Although the Trade Union Act provides unions with certain immunities during industrial action, violence could nullify these and expose the unions to civil damages before the Courts.

In conclusion, the Japanese industrial relations system is characterized by the adaptation of various foreign industrial relations concepts. Given this history, the notion that the system is a direct result of tradition and culture is not borne out by the facts. The commonality of interests has produced a respect for the principle that increased employment occurs through productivity, consultation and a fair distribution of profits. In Japan, labour is viewed as the integrating force in the contemporary economic equation of land, capital and technology. Through this respect of the responsibilities of labour unions and management, the objective of increased productivity has permitted the society as a whole to plan for change and to advance in concert. This successful labour-management cooperation is sustained in an environment where long-term rather than short-term solutions are considered, and where technological innovation is embraced.

AUSTRALIA

Australia is a federal state like Canada. Legislative competence in the field of labour relations is divided between federal and state governments under the Australian constitution. Other than in the two territories, the Federal government does not have the authority to directly legislate in regards to terms and conditions of employment. To maintain it's role the Federal government created the Australian Conciliation and Arbitration Commission to make decisions in respect of industrial disputes extending beyond state boundaries. Disputes within state boundaries are handled by state commissions. This jurisdictional limitation precludes development of national employment standards.

The structure of the Australian labour relations system remains fundamentally the same as that established under the Conciliation and Arbitration Act 1904. Minimum conditions of employment are established by arbitration commissions, either in response to dispute referrals from the parties, or on the initiative of the Commission. Awards usually cover the scope of issues referred by the parties, and are given under a set of principles and guidelines periodically established or revised by the commissions. Commissions are required to consider the existing economic environment when making decisions, but there are no guidelines regarding which factors are to be given greater consideration.

Since state governments do not face the constitutional limitations found at the federal level their commissions are more flexible. States have the residual authority to directly regulate terms and conditions of employment, enabling their commissions to make decisions beyond the specific matter referred by the parties. As well, legislation addressing more general labour standards such as termination, change and redundancy of employment, employee compensation, annual holidays and occupational health and safety is found at the state level.

Underlying the Australian system of third party intervention is the concept of comparative wage justice. Historically, the national preference for a wage determination mechanism has been linked to long term maintenance of consistent relationships between established occupational groupings, rather than unfettered operation of labour market supply and demand forces. The

highly structured wage determination system established in 1904 is in accord with these preferences.

In the absence of economic contests over terms and conditions of employment, work stoppages are traditionally short and most are linked to short term work site concerns. Fragmentation of trade unions also limits availability of resources for lengthy job action.

Only registered trade unions or employer organizations have access to established dispute resolution and wage determination machinery. Registrars of the commissions apply specified criteria in determining whether an organization is appropriate for registration. Level of employee support for the organization is not relevant to registration but does affect the nature of union security arrangements, and can affect the coverage of any award granted.

Awards are both industry and occupation based, depending on the nature of the organizations involved in the originating dispute. It is not unusual for a single employer to be subject to a number of different awards. The parties may apply to have an award varied at any time. Since awards are occupation or industry related, they apply regardless to the sale, lease, transfer or restructuring of a business.

The current labour relations system is being criticized for it's lack of effective enforcement provisions. It is alleged parties abide by awards only to the extent established conditions continue to meet their particular needs. The result is a degree of unrest not evident other than through discussions with the parties.

Legislation is based on the existence of trade unions, because only through a registered union may employees gain access to the arbitration and dispute resolution system. Trade union membership is 57% overall, with levels of 70% in the public sector and 40% in the private sector.

Trade unions are structured along craft lines. Although there is a large number of unions, membership tends to be concentrated in a few large unions. Jurisdictional disputes and restrictive work practices are ongoing major issues.

Union organizations are based primarily at the state or national level, with the Australian Congress of Trade Unions (A.C.T.U.) providing a national focus.

Through liberal interpretation of its enabling statute, and practices of the parties designed to give jurisdiction to the federal authority, the Australian Conciliation and Arbitration Commission has extended its influence to approximately sixty percent of the workforce. This influence is further extended through the flow-on or precedent setting nature of Federal Commission awards. The annual national wage case, which occurs pursuant to the 1983 Accord between the Government and the A.C.T.U. influences subsequent awards.

Where state and federal awards conflict or overlap the federal award is deemed to prevail. The extent to which awards apply to employees not members of a union is unclear in legislation. In practice, award provisions are usually extended by agreement of the parties.

Since awards establish minimums in specific areas, the parties retain the capacity to negotiate conditions beyond those specified, or in areas not covered by an award. Awards often contain specific provisions dealing with employee redundancy.

The parties are, however, modifying the system through a two tier wage system. The award operates as a minimum. Additional payments, and provisions with respect to items not covered in an award are dealt with on site, injecting elements of flexibility and turmoil not initially apparent. There is no indication any significant portion of these arrangements include payments related to individual productivity or enterprise profitability.

To support their activities before arbitration commissions, unions have developed research and analysis capabilities. Comparison of remuneration between relative occupational groups is especially important. Awards do not contain incentive payment systems.

Although a third party binding award is available, the majority of disputes referred to commissions are settled through mediation and conciliation. Commission procedures are very flexible and at both state and federal levels there is a strong emphasis on resolution without arbitration. In

most cases, the vast majority of issues originally in dispute have been resolved by the parties before the commission becomes involved, and those remaining are resolved through the mediation efforts of the commission.

The recommendations of the recently completed Hancock Inquiry into the Australian industrial relations system reveal no serious questioning of the underlying principles of the system. In recommending a new labour court and industrial relations commission, closer coordination of state and federal tribunals, strengthening of grievance procedures and greater reference to the public interest in tribunal deliberations, the report is clearly not questioning fundamentals of the existing system. One of its more far-reaching recommendations, allowing parties to negotiate and register their own agreements, represents only an acceptance of actual practice.

Much is occurring outside the system, making it difficult to assess whether perceived difficulties flow from the system or the practice of the parties. What is perceived as a respectable strike/lockout record, and the significant constitutional barriers to any changes requiring the redistribution of authority or structures are inhibiting change.

Operation of the system has also been affected by events at the national level. In February 1983 the present Labour government and the A.C.T.U. agreed on a prices and economic policy in Australia. This detailed and comprehensive Accord, in keeping with the principles of comparative wage justice, commits the government to policies which will redistribute income and maintain real wages through cost-of-living adjustments, implemented through the industrial tribunal system, in exchange for an A.C.T.U. commitment to limit wage demands. As well, the government commenced in April 1983, an annual National Tri-Partite Economic Summit Conference. The Conference is to provide a forum for discussion on prospective economic conditions, and if possible, general agreement on overall goals and targets. Assessments of the Summit's effectiveness vary widely. There is concern that failure to renew the Accord will result in a breakout of wage demands such as followed the last wage freeze.

The economic situation in Australia has deteriorated during the term of the Hancock Inquiry. Declining exports, foreign competition, a declining dollar and high interest rates are creating stress. Many are questioning the capacity of the parties to adapt within the existing industrial

relations system.

The Australian system does not encourage the development of sophisticated systems of communication or joint consultation, at the level of the enterprise. Fragmentation of employer and employee structures limits opportunities for broadly based consensus development. The continuing role of commissions limits the need to resolve matters through processes which recognize the specific shared interests of a particular employer employee relationship. Although the majority of issues are resolved by the parties, commissions remain as a readily available third party alternative when any impasse is reached.

NEW ZEALAND

In 1894, the introduction of the Industrial Conciliation and Arbitration Act set the basis for the industrial relations framework that exists in New Zealand today. This framework is now in the throes of change.

Government intervention to regulate industrial relations has an important bearing on the outcome of union and employer negotiations and ensuing relationships. This is especially true in New Zealand where many of the important processes which underpin negotiations have become matters of public policy.

The New Zealand industrial relations system is based on National Wage Awards and In House Agreements, and pivots on the registration of unions under the Industrial Relations Act of 1973. Registration in New Zealand should not be confused with registration in the construction industry in Alberta for they are vastly different.

Union registration in New Zealand is based on the principle that a union, independently of the employer, should acquire the sole right to represent an employee doing a particular job. The objectives of union registration are threefold. First, to promote the formation of independent trade unions. Second, to achieve some form of stability in union structure; and third, to contain a potentially serious form of conflict, arising from competition between unions for members. On the other hand, it has been stated that these objectives conflict with the principle that employees should be free to establish and/or join unions of their choice. The process of registration is essentially a matter between the applicant union and the Registrar of Unions. The union structure in New Zealand is based on craft awards.

Union membership is compulsory and is part of the overall structure which has been designed to achieve a wage fixing system coupled with wide spread application. Over the years, union membership has moved back and forth between voluntary and compulsory.

There are also employer unions, the main purpose of which is to co-ordinate an industry approach to the negotiation of the major awards. The employer union is cited by the employee union as the respondent party in the

conciliation proceedings for the negotiation of an award. This in effect extends the proceedings to all the employers in the industry.

The registered union exercises its right to represent employees through the negotiation of awards and agreements. An award by its nature,is an agreement covering hundreds of workplaces, and cannot settle all the outstanding issues relevant to individual workplaces. The award system in no way prevents the negotiation of second tier agreements, indeed second tier negotiations are an important feature of the system. The union has two avenues it can follow when seeking to negotiate improved wages and working conditions. It can initiate conciliation proceedings for the procurement of an award or it can agree with the employer to negotiate a voluntary settlement of the dispute leading to the registration of a collective agreement.

The procedure for negotiating an award can encompass conciliation proceedings. In New Zealand conciliation is compulsory and reinforces the union's right to negotiate on behalf of the employees it represents. The first step in resolving the dispute can be through an independent conciliator. Failing this, the court as an arbitrator may be involved, but only if both parties agree. If both parties do not agree to go to the court, the court, as a body which presides over the conciliation and arbitration process, can determine after discussion with the parties, the most appropriate procedure for dealing with the dispute. While the dispute is within this system the parties must refrain from striking or locking out.

The conciliation service has existed since 1894, whereas the mediation service was introduced in 1970 to operate in a less formal way. The mediation service, among other things, was introduced to provide a preventive element into the disputes resolution system. Since 1970, mediators have assumed a substantial role in servicing the grievance procedures. In addition to the preventive role, mediators have the right to arbitrate on any matter in a dispute if requested by the parties. There is a degree of overlap between mediators and conciliators. Mediators have a role in interest disputes, both in terms of formally assisting the parties in voluntary collective agreement negotiations, and when required to do so in mediating awards negotiations which have broken down. Conciliators may perform the same role as mediators.

An award prescribes legally binding minimum wages and working conditions for the employees it covers. It is by law industry wide, unless the parties otherwise agree. The award continues until superseded by another award or cancelled by the court if it is not renewed within 3 years. In short, the award system fixes minimum standards on a job-by-job basis with the result that there is considerable variation.

The principle that awards set a minimum standard across an entire industry has given rise in some cases, to second tier agreements which can establish more favourable terms than the award. While an award must be registered to be legally binding, second tier agreements are not always registered.

The right to strike or lockout is limited to minimize industrial action and its effect on the availability of goods and services. It is unlawful to strike when a dispute is within the conciliation process; when the dispute involves the grievance procedure; when the dispute is a non-industrial matter; when employees fail to comply with a resumption to work order of the Arbitration Court; and when the 14 days advance notice of a strike in an essential industry or 3 days in an export slaughterhouse is not given.

Present legislation does not require a strike ballot; however, unions by practice have pre-strike secret ballot provisions written into their rules. In 1973, legislation moved away from pre-strike ballots to ballots on a resumption of work.

Unions support the political process through affiliation with the political party of their choice.

In the matter of demarcation disputes, the Industrial Relations Act provides a procedure to resolve a question as to the right of employees in specified crafts, to do certain work in an industry or industries to the exclusion of the employees in other crafts.

The court has determined in demarcation disputes that the work being undertaken by the employee determines the union to which that person will belong. This is consistent with the principles of union registration and membership in New Zealand. Where two unions have coverage the courts in some cases have ruled that it cannot award exclusive coverage to either union.

There are two Acts which set the minimum standards for non-unionized employees, The Minimum Wage Act 1945 and the Holidays Act 1981. In the case of The Minimum Wage Act, any orders are limited to employees 20 years of age and older.

The Arbitration Court is central to the system of industrial relations in New Zealand. This Court has twin roles, enforcement and dispute settlement. The Arbitration Court is a lay court and relies heavily on its nominated members. It is charged with the responsibility to make decisions in equity and good conscience. Lawyers are permitted to appear before the Court in rights arbitration proceedings, but can only participate in interest disputes with the consent of the parties.

A system of providing education leave to train union representatives and supervisory personnel is found throughout New Zealand. They are taught how to negotiate; how to develop wage levels; how to properly handle grievances, and how conciliation, mediation and the arbitration court function.

The current government in New Zealand has recognized a need for change in the area of industrial relations because of the competitive environment as levels of protection are lowered and removed. This in turn, is having a major effect on the behaviour of employees and employers and as a result the government during the coming year may introduce a number of changes based on the following strategies and objectives as outlined in the policy paper of late September 1986:

To encourage the development of effective union and employer organizations which

(i) can operate independently of legislative support,

(ii) can negotiate relevant awards and agreement that are adhered to, and;

(iii) each person's employment should be regulated by a single, comprehensive agreement which is freely negotiated, administered and enforced by the parties.

CONCLUDING REMARKS

Industrial relations is people. It is people who employ and people who work. The framework within which that relationship is established is a responsiblity of government. Fairness and equity are the basic elements of a level playing field where both parties have every opportunity to reach mutually acceptable agreements.

In this report the Committee has provided a summary outlining the most important characteristics of several different labour relation systems. The Committee anticipates that this summary, and the questions, will stimulate fruitful discussions focused on the fundamental underpinnings of Alberta's labour relations system.

Over the next few weeks the Committee will be listening to Albertans express their views on their labour relations system. The Committee encourages you to consider carefully this report and looks forward to receiving your comments and suggestions.

Below, are listed a series of questions which we ask that you take time to answer as fully as possible.

These questions are not recommendations of the Committee and should not be considered as such.

Recommendations will be developed only after we have had an opportunity to listen to you, as well as other Albertans who will be making presentations to the Committee over the next number of weeks.

Your answers can be in writing, or you may wish to verbally state them during your presentation to the Committee. Written submissions should be forwarded to:

Mr. John Szumlas, Secretary
Labour Legislation Review Committee
420 Legislature Building
Edmonton, Alberta
T5K 2B6

Upon the conclusion of the Public Meeting stage, a final report containing a number of recomendations will be issued.

QUESTIONS

1. Other industrial relations systems provide for a high degree of recognition of employee - employer equality and respect.

   DO WE WISH TO AIM FOR THIS IN ALBERTA?

   IF SO, HOW CAN IT BE ACHIEVED?

2. Other industrial relations systems provide for a high degree of Free Collective Bargaining.

   DO WE HAVE FREE COLLECTIVE BARGAINING IN ALBERTA?

   IF NOT, WHAT CHANGES WOULD BE NECESSARY TO ACHIEVE IT?

3. Other industrial relations systems permit bargaining to be done collectively and individually.

   IN ALBERTA, ARE THE INDIVIDUAL'S RIGHTS TO BARGAIN ADEQUATELY PROTECTED?

   IF NOT, WHAT SHOULD BE DONE?

4. Other industrial relations systems provide for strong communication which are necessary to a good relationship.

   ARE THERE RESTRICTIONS TO THIS PROCESS IN ALBERTA?

   HOW CAN IMPROVEMENTS BE ACHIEVED?

5. Other industrial relations systems have achieved a commonality of socio-economic interest of government, union and employer groups through a high degree of respect and communication between and among the three parties.

   IS THIS LACKING IN ALBERTA?

   IF SO, WHAT CAN BE DONE TO IMPROVE IT?

6. Other industrial relations systems provide for a formal mechanism whereby senior representatives from union federations, employer federations and government meet on a monthly basis to deepen their mutual understanding of their respective responsibilities.

   IN ALBERTA, DO YOU SEE A NEED FOR A SIMILAR FORUM?

   IF SO, HOW DO YOU SEE IT CONSTITUTED?

7. Other industrial relations systems provide for a high degree of multiple level consensus development, involving employees and employers, unions and management.

   DO YOU THINK THAT IT IS VALUABLE TO DEVELOP MUTUAL UNDERSTANDING THROUGHOUT AN ORGANIZATION?

   IF SO, HOW DO YOU THINK THIS CAN BE ACHIEVED?

8. Other industrial relations systems provide for a strong commitment to increasing productivity, and base a significant part of their wage structure on how successfully the enterprise increases it's productivity.

   IN ALBERTA, DO YOU THINK THAT PRODUCTIVITY SHOULD BE A CENTRAL FOCUS OF THE INDUSTRIAL RELATIONS SYSTEM?

IF SO, HOW CAN THIS BE ACHIEVED?

9. Some industrial relations systems legislate the use of Compulsory Binding Third Party Arbitration in private sector disputes, while others do not.

   WHAT SHOULD BE DONE IN ALBERTA?

10. None of the foreign jurisdictions have separate industrial relations legislation for the Construction Industry although its unique nature was universally acknowledged.

    SHOULD ALBERTA INTRODUCE A SEPARATE STATUTE FOR THE CONSTRUCTION INDUSTRY?

11. Other jurisdictions vary in their use of a legalistic approach to industrial relations.

    IS THE INDUSTRIAL RELATIONS SYSTEM IN ALBERTA BECOMING TOO LEGALISTIC?

    IF SO, WHAT CAN BE DONE?

12. Other jurisdictions strongly emphasize the education of union and management personnel in the workings of the industrial relations system.

    WOULD INCREASED CONCENTRATION ON THIS AREA BE BENEFICIAL IN ALBERTA?

    IF SO, HOW SHOULD IT BE DELIVERED?

13. Other industrial relations systems provide for effective preventative conciliation and mediation services.

DO YOU THINK THE SYSTEM IN ALBERTA ADEQUATELY MEETS THE NEEDS OF THE LABOUR RELATIONS COMMUNITY?

IF NOT, WHAT WOULD YOU SUGGEST BE DONE TO IMPROVE THE SYSTEM?

14. Other industrial relations systems have varying degrees of Government involvement in the collective bargaining process.

IN ALBERTA, IS THE GOVERNMENT TOO INVOLVED IN THE PROCESS?

IF SO, HOW CAN ITS ROLE BE DECREASED?